

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

**Proceedings, January 12, 1967**

Meeting was called to order at 7:34 P.M.  
by Chairman Charles W. Keep.

## **ROLL CALL**

Present were: Gaus, Houck, Keep, McComb, Rendon, Wendrow—6.

Absent: Jones, Kelley—2.

## **HEARINGS**

No. 1550

Mr. Harold Slater, Michigan Bell Telephone, appeared in behalf of the appeal to erect a building for the purpose of housing telephone relay equipment, upon the premises known as 1813 W. Main St. This is contrary to Section 36-19 of the zoning ordinance in the following particulars: This use is not permitted in the "B" one-family district.

Chairman Keep stated that this appeal had originally been heard at the December meeting of the Board of Appeals.

Mr. Slater stated that he had submitted for the Board's consideration a revised building plan calling for a building a little larger than the original which was 10 x 14. This is a brick building. Each member of the Board has been supplied with a copy of the revised building sketch. I would like to have the Board consider the revised sketch, and should the Board grant the appeal, this brick building would replace the metal one.

No one appeared in opposition to this appeal.

Mr. Gaus asked if the people protesting the appeal, who were present at the last meeting, were notified that there would be a rehearing on the matter?

Mr. Guernsey replied, "There was no rehearing set, but the building was revised and we asked Mr. Slater to come so that if you had any questions, you would have a chance to ask him."

Mr. McComb asked if it had been found out if the equipment could be located in the house next door and was advised by Mr. Guernsey that there would be a zoning control as to whether or not such a structure could be placed in the basement of the house, but as far as we know there were no building code restrictions against it.

Mr. Elliott, Building Inspector, stated that as far as he knew there were no restrictions against it.

Mrs. Houck asked Mr. Slater if he had shown the revised building sketch to any of the property owners concerned, and he replied no, he had not.

Mr. Slater stated that the company is desirous of erecting this building and then selling the house.

Motion by Houck, seconded by McComb, that the appeal be removed from the table.

Motion carried by unanimous vote.

Motion by McComb that the appeal be denied.

Motion lost for lack of a second.

Mr. McComb stated that he is convinced that the people at the last meeting who protested this appeal have a legitimate gripe.

Mrs. Houck asked if the people who appeared in objection at the last meeting were notified that this was tabled and Mr. Guernsey replied, "no, the hearing was not officially set in the sense. The telephone people submitted these new drawings and we asked them to come in, in case you had additional questions. There was not an official hearing set this time."

Motion by Wandrow that the appeal be granted.

Motion lost for lack of a second.

Motion by McComb, seconded by Gaus, that the appeal be tabled until the people within 300 feet of the subject property be notified.

Motion carried by the following vote:

Yea: 5  
Nays: 1

No. 1544

No one appeared in behalf of the appeal to enclose the existing front porch with

glass and add 4 in. for a brick veneer along the sides and front up to the window sill level, which will reduce the established front yard from 23 ft. 7 in. to 15 ft. 10 in. upon the premises known as 435 S. Fairview Avenue. This is contrary to Section 36-44 (4) of the zoning ordinance in the following particulars: Section 36-44 (4) required a front yard established by the developed properties between the adjoining streets, of 23 ft. 7 in.

No one appeared in opposition to the appeal.

Motion by Gaus, seconded by McComb that the appeal be granted under provisions of Section 36-12 (6) of the zoning code. The Board found, based on the evidence submitted by the petitioner and field analysis by the Planning Staff, which revealed that several other front porches in the area had been enclosed which reduced the front yard requirements below the zoning code regulations for this district. The Board believes that this imposes an unusual practical difficulty on individuals in this area.

Motion carried by the following vote:

Yea: 6.

Nays: 0.

#### No. 1552

No one appeared in behalf of the appeal to enclose existing front porch with glass, which will reduce the required front yard from 20 ft. 6 in. to 14 ft. 4 in. a reduction of 6 ft. 2 in., upon the premises known as 2217 S. Logan St. This is contrary to Section 36-44 (4) of the zoning ordinance in the following particulars: Section 36-44 (4) requires a front yard having a depth of not less than 20 ft. 6 in. by establishment of 40% of frontage.

No one appeared in opposition to this appeal.

Motion by Gaus, seconded by McComb that the appeal be granted in accordance with Section 36-12 (6) of the zoning code. The Board found, based on the evidence and testimony submitted by the petitioner and field inspection which revealed that several other front porches in the area had been enclosed which reduced the front yard requirements beyond the zoning code regulations for this district. The Board believes that this imposes an unusual practical difficulty in this area.

Motion carried by the following vote:

Yea: 6.

Nays: 0.

Mr. Elliott, the Building Inspector, submitted information regarding the use on the property, and a discussion on the use followed. There was a question as to

whether the use is one or two family, and if the use is legal or illegal under the present zoning.

Motion by Gaus, seconded by McComb, to rescind the previous action to grant the appeal, because of additional information submitted by the Building Inspector.

Motion carried by unanimous vote.

Motion by Gaus, seconded by McComb, to table the appeal pending a determination by the Building Inspection Department regarding the use on the property.

Motion carried by unanimous vote.

#### No. 1553

Mr. Kendall G. Lovell appeared on behalf of the appeal to permit a detached private garage recently erected which is located in the required front yard, and will reduce the required front yard from 25 ft. 7 in. to 10 ft., upon the premises known as 5017 Conners Avenue. This is contrary to Section 36-44(4) of the zoning ordinance in the following particulars: Section 36-44 (4) states, there shall be a front yard on each street side of a corner lot. No accessory building shall project beyond the front yard line of either street.

Mr. Lovell asked if the Board had the photos taken of his garage position, and was assured that they did have them. He stated that the pictures quite clearly illustrate his belief that there is no problem herein the garage being located where it is. This was completely unknown on my part that this was against the code. The garage company that I bought the garage from obtained the permit and built the slab. I erected the garage. I had no idea that this was against the code. I strongly urge your approval on this.

No one appeared in opposition to this appeal.

Motion by Houck, seconded by Gaus, that the appeal be granted under Section 36-12 (7) which allows a variance of demonstrable and unusual hardship so long as the surrounding property is properly protected.

A building permit was issued for the garage, without full knowledge of existing conditions, that being the location of the property in relation to existing streets (Jolly Rd.). This was an oversight on both the City office and the developer. The error was not discovered until final inspection by the Building Department.

The Board found that based on this testimony and evidence to deny the variance would cause undue hardship to the property owner. The Board further found that the right-of-way width of Jolly Road was adequate at this point and the variation would not seriously affect adjoining property or the general welfare.

Motion carried by the following vote:

Yea: 6  
Nays: 0.

No. 1554

No one appeared on behalf of the appeal to permit installing an unattached illuminated 3 ft. x 6 ft. sign on a pole at the front of the lot, upon the premises known as 3015 S. Washington Avenue. This is contrary to Section 36-31 of the zoning ordinance in the following particulars: Ordinance allows a 3 ft. x 2 ft. unilluminated sign attached to the building.

Mr. Guernsey stated that the "D-1" professional zoning is pending.

Mr. Charles Floria, 2535 E. Mt. Hope property owner of an apartment house at 2920 S. Washington Avenue, stated he was at the meeting to find out about the construction, type, and why the petitioner wants the proposed sign. Mr. Floria reviewed pictures of the site and of the proposed sign. He was informed that the petitioner is in the insurance business. Mr. Floria stated that he had no objections to the appeal.

Motion by Gaus, seconded by Wendrow, that the appeal be granted under Section 36-12 (7) which gives the Appeal Board the power to authorize whenever the property owner can show that a strict application of the terms of the chapter, relating to the use, or the use of the land will impose upon him unusual practical difficulties or particular hardship, provided such variations are in harmony with the general purpose and intent of the ordinance, and at the same time the surrounding property will be properly protected. Signs of this nature are allowed in the next higher zoning classification, and to limit an advertising sign for the proposed use of one non-illuminating sign not exceeding six square feet and attached to the building, would not be reasonable. This was based on adjacent development and the limited sight distance from which a sign attached to the building could be seen by prospective customers.

The Board further believes that the variation will not seriously affect any adjoining property or the general welfare.

Based on testimony and evidence the Board found that this approval was subject to the following conditions:

1. Pending approval of the rezoning now in process.
2. Such sign shall be of the type and size shown in the photo submitted with this appeal (not to exceed 18 square feet in area).
3. If pole mounted, the pole shall be located next to the covered entrance way at the approximate midpoint of the lot, and mounted in conformance with the City

sign code, with a maximum height of 30 feet.

4. If mounted atop the building or covered entrance-way the sign shall meet the City sign code requirements, and have a maximum height of 30 feet.
5. Illumination shall be internal, and not flashing, nor intermittent, nor present a glare upon the street or adjacent property.

Motion carried by the following vote:

Yea: 6.  
Nays: 0.

No. 1555

Mr. J. B. Grammatico appeared on behalf of the petition to allow a recently erected two story one family dwelling to remain 28 ft. 11½ in. from front property line which will project into the required front yard 1 ft. 10 in.; established line is 30 ft. 10 in., upon the premises known as 3437 Glasgow Drive. This is contrary to Section 36-44 (4) of the zoning ordinance in the following particulars: Section 36-44 (4) requires a front yard having a depth of not less than 30 ft. 9½ in. by established line of 40% of developed frontage.

Chairman Keep asked Mr. Grammatico if he had anything further to add on this appeal and Mr. Grammatico stated that he had nothing more to add. Mr. Keep said that they understood the situation since this had been heard before.

No one appeared in opposition to the appeal.

Motion by Gaus, seconded by McComb, that the appeal be granted under Section 36-12 (7). Based on testimony and evidence the Board believes that strict application of the ordinance would be a hardship.

The locating of the building on the site was in error, and was not discovered until approximately 50% of the construction had been completed. The variation is minor (1 ft. 10 in.). The Board does not believe that the variation will seriously affect any of the adjoining property or the general welfare, and is in keeping with the intent of the code.

Motion carried by the following vote:

Yea: 6.  
Nays: 0.

No. 1556

Mr. Martin appeared on behalf of the appeal to erect an identification sign to be located on property which is zoned "J" parking, upon the premises known as 2101 W. Holmes Road. This is contrary to Section 36-41 (7) which prohibits the erection of this type of sign in the "J" parking district.

Mr. Martin stated, "that the sign is very necessary. The present sign would be 42 ft. to the west of where I originally asked for it, which is on the corner. Today our sales supervisor asked me when I was going to get this lot lit up more, that the sign would help us a lot. The other sign that was granted by the Board could be for some future business that may to in between the barber shop and our dairy store. We are very much interested in having a sign and a store on our own property. You can look around the City and see many gas stations where signs are up as soon as they erect their building. This has been delayed long enough so I would appreciate a little action on it."

Mrs. Houck stated that some of the dairy signs are not illuminated from both sides and asked if this sign would be illuminated from both sides? Mr. Martin replied, "yes it would and that eventually they will have all of them illuminated from both sides."

No one appeared in objection to this appeal.

Mr. Guernsey explained that this had been before the Board before, and at the previous time it was approved at the far westerly end of the site. This location is approximately in the center of the subject property. This is a new appeal.

Mr. McComb stated that this would give them two signs, and Mr. Guernsey replied, "yes unless the decision on appeal No. 1538 was rescinded."

Motion by McComb, seconded by Gaus, that the appeal be granted subject to the following conditions:

1. The previous appeal be rescinded.
2. All other signs identifying adjacent businesses may be attached to the same sign standard.
3. Cumulative area of the signs shall not exceed 72 square feet.
4. Maximum height shall not exceed 35 feet.
5. No sign shall extend beyond or over lot lines of the lot on which erected.
6. Illuminating shall be neither flashing nor intermittent and shall be so designed and constructed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent property.
7. The location of the sign shall be approximately 30 feet from the west line of the property in line with the utility pole (see sketch).

Discussion of rescinding the previous action on appeal No. 1538, and the minimum requirements of the sign code followed.

Action on appeal No. 1538 was read to the Board by Mr. Guernsey.

Vote taken on the motion by McComb, seconded by Gaus, that the appeal be granted correcting the recommendation in item 3 to 72 sq. ft. and in item 4 to 35 ft. (As corrected above.)

Motion carried as follows:

Yea: 6.

Nay: 0.

The Board found, based on testimony and evidence that the variation would not seriously affect any adjoining property or the general welfare, and that the strict application of the zoning code in this case does constitute a demonstrable hardship.

#### No. 1557

No one appeared on behalf of the petition to permit a muffler and brake repair-light, quick service in "F-1" commercial district upon the premises known as 1620 East Michigan Avenue. This is contrary to Section 36-36 of the zoning ordinance in the following particulars: Ordinance does not permit muffler and brake installation in "F" commercial district.

Mr. Guernsey stated that under the "F" commercial zone a gas station is permitted, which could do most of the work that is mentioned in the request. However, when a special use for only this purpose is allowed, it is normally in the light industrial zones of the City.

Chairman Keep stated that he had a letter from the petitioner who is in a hospital in Florida and not able to be there. No one present to represent him.

Mr. Conway Longson, Attorney, stated that he was representing the people opposing the appeal. These people are vehemently opposed to the granting of this appeal for various reasons. The main reasons are outlined on this signed petition. I might point out there is a gas station there but it is not in operation at the present time. This muffler and brake repair shop which is contemplated to be put there is not in accordance with the same type of operation as a gas station. It is our feeling that it would be more or less spot zoning in this area and I think we are most concerned about point one in our petition, that such a shop would create a traffic hazard in this area. I have here Mr. Stelmachenko who had occasion to speak with Mr. Gallagher, the petitioner in this matter and his comments would lead this Board to understand why the petitioners are most opposed to this appeal, and why

they wish it to be denied. I would appreciate it if Mr. Stelmachenko would make a few comments as to his conversation with Mr. Gallagher.

Petition presented to the Board.

My name is Stan Stelmachenko and I was an employee with Peez Real Estate. I received a call from Mr. Gallagher about June or July. He asked me to find him a location for a garage as he had sold his previous location. He wanted a location on Michigan Avenue between Pennsylvania and the Boulevard. I looked in every possible place, I tried to serve him to the best of my ability as a real estate person. I couldn't find anything to suit him. This property in question tonite was brought up by him, and I mentioned the fact that it was zoned for a different purpose and I didn't think we could get it rezoned for a garage. Also there was a time element involved that he had to spend his money before the end of the year for tax reasons. I worked with him for about three months and I could not find the property he wanted. He mentioned to me that he was going to make an offer on this property and I cautioned him not to make the offer unless he knew what he was doing because it was not zoned for the specific purpose he had in mind. I want to point out right now that I am a neutral person, I am no longer employed by Peez Real Estate, I am employed by a construction company. Mr. Gallagher's statement was, "I have ways of getting what I want. Once I get this property I won't have any trouble in my getting a garage in this area." I think that from the ethics I have learned in the real estate business it is my duty to point this out and I have not deleted or added anything to this conversation. If anybody wanted me to verify this on the stand, I would.

Mr. Keep stated that the Board would like to hear from more residents of the area, as to their objections.

Alan McLaughlin, property owner at 1606 E. Michigan Avenue, stated that they have owned this property for about nine years and that he investigated the zoning before he bought the property. We were interested in what was going to happen to the neighborhood, and I feel that a garage and a muffler operation would be the beginning of the end of the neighborhood. The gas station wasn't too bad because the cars were in and out at the station, but in this, the cars will be parked in the block. I feel that this would definitely be the beginning of the running down of the neighborhood. Also, we live at the property and would not like the noise that would be connected with that type of business.

Mr. Peter Caruso owns the lot across from the one in question, and plans on building a \$35,000 building there, but is changing his mind if this muffler shop is going to devalue the property there. Mr. Caruso stated that his business was a candy kitchen and gift shop with an apartment upstairs.

He is in urban renewal now and that's why he is moving here and he doesn't want to move here and have the same thing happen again.

Mrs. Peez, who owns the property adjoining the subject property, stated that she felt there would be a lot of pounding and noise. Also that there is a shortage of parking for Michigan Avenue businesses. She also stated that the lot is short in comparison to the other lots in the block.

Mrs. Houck asked if the gas station was noisy when it was located there and was told by Mrs. Peez that it was not, that they didn't do any repair work.

Mr. Richard Stone, 5 Locust Lane, who is a property owner at 1600 East Michigan Avenue, stated that the building is not designed for use as a muffler shop and that there is very little open space outside the building. He is also concerned about the appearance of a muffler repair shop.

Patsy Verdereses, 223 S. Pennsylvania Avenue stated that he wants to see a Michigan Avenue that is beautiful, with no junk shops.

Motion by Gaus, seconded by McComb, that the appeal be denied.

Chairman Keep stated that it was all one sided tonite and that it was a possibility that this appeal could be tabled until the petitioner could have his say.

Discussion followed.

Motion by Wendrow, Seconded by Gaus, that this appeal be tabled.

Motion carried by unanimous vote.

No definite time limit on the tabling of this appeal.

Motion by McComb, seconded by Gaus, that the Board recommend to the Planning Board to clarify the zoning ordinance.

Motion carried by unanimous vote.

Mrs. Houck asked that the minutes of November 10, 1966 be corrected on Page 9, line 4 from the bottom, changing Mr. Butterfield to Mr. Keep.

Motion by Houck, seconded by McComb, that the minutes of December 8, 1966 be approved.

Motion carried by unanimous vote.

RAYMOND C. GUERNSEY,  
Secretary.

way they could be given the privilege of exchanging electric light bulbs, electric cords and the repairs of electrical appliances at a small service charge. They feel they are entitled to this.

Adopted by the following vote:

Unanimously.

Council adjourned at 10:12 P.M.

By Councilman Anas—

Resolved by the City Council of the City of Lansing:

That the attached claims be allowed and the City Clerk be and she is hereby authorized to draw orders on the City Treasurer for the amount allowed each claimant, in the amount of \$56,859.05.

**THEO FULTON,**  
City Clerk.

Lansing, Michigan

April 24, 1967

F/B

## OFFICIAL PROCEEDINGS OF BOARD OF APPEALS OF THE CITY OF LANSING

**Proceedings, March 9, 1967**

Meeting was called to order at 7:35 P.M.  
by Chairman Charles W. Keep.

That the sign be relocated as not to extend over public right-of-way.

### ROLL CALL

Present were: Gaus, Houck, Jones, Keep, Kelley, McComb and Rendon—7.

Absent: Wendrow—1.

Illumination of the sign shall be neither flashing nor intermittent and shall be so designed and constructed so as to concentrate the illumination upon the area of the sign and prevent glare upon the street or adjacent properties.

Location of the sign shall be essentially as shown on the drawing (subject to condition No. 2).

The Board found that based on evidence submitted by the Staff that this variance would alleviate a practical difficulty, and be in keeping with the general intent of the Zoning Code.

Some discussion followed on a centrally located identification sign identifying all the businesses within the commercial complex.

Motion carried by the following vote:

Yea: (7)

Nay: (0) None.

### HEARINGS

No. 1560

No one appeared either on behalf of, or opposed to the appeal to permit an existing identification sign to be located on property which is zoned "J" parking upon the premises known as 1210 W. Willow Street. This is contrary to Section 36-41 (7) of the Zoning Ordinance in the following particulars: Section 36-41 (7) prohibits the erection of this type of sign in the "J" parking district.

Motion by Gaus, supported by Jones, that the appeal be granted under Section 36-12 (7) of the Zoning Ordinance. Subject to the following conditions:

That the applicant apply for a sign permit and all code requirements be complied with.

Mr. McComb requested that copies be sent to Board members of all letters placed on the Board of Zoning Appeals Agenda before the monthly meeting takes place.

Letter from Roger Dropping re: Appeal No. 1559

Chairman Keep read the letter from Mr. Dropping to the Board. It was suggested that perhaps Mr. Dropping could file a new appeal. Motion by Jones, supported by Gaus, that the letter as read be placed on file.

Motion carried by unanimous vote.

Letter from Franklyn Kircher re: Appeal No. 1541

This letter was read by the Clerk to the Board members.

Chairman Keep stated that the letter had no bearing on the appeal.

Motion by Jones, supported by McComb, that the letter as read be placed on file.

Motion carried by unanimous vote.

Motion by Gaus, supported by Jones, that the minutes of February 9, 1967 be approved as printed.

Motion carried by unanimous vote.

Meeting adjourned at 8:00 P.M.

RAYMOND C. GUERNSEY,  
Secretary.

## OFFICIAL PROCEEDINGS OF THE THE CIVIC CENTER BOARD OF THE CITY OF LANSING

**Proceedings, April 19, 1967**

A. Meeting called to order at 7:40 p.m. by Chairman Neller.

B. Roll Call—Present: Commissioners Neller, Dudley, King, Herr and Carnes—5.

Absent: Commissioners McRae, Carr and Walker—3.

C. Minutes of March 14, 1967 meeting approved.

D. Report of Committees:

1. Building and Properties Operating and Policy—No report.
2. Parking—No report.
3. Personnel and Salaries—No report.
4. Veterans—No report.
5. Ways and Means—No report.

E. Unfinished Business:

1. Budget hearing with City Council was held Monday, April 17 after Council Meeting. Council accepted budget as presented with exception of Capitol

Improvement item for Main Auditorium chairs.

2. Chairman Neller is to receive report from State on possible use of Civic Center. Mayor Murningham will advise when meeting with State will be held so that we may be represented at meeting.

F. New Business:

G. Managers' Report:

1. Manager Baer reported on condition of ceiling in Exhibit Hall in which a considerable area of acoustical plaster has fallen and must be repaired.
2. Operating statement, budget balance sheet and building rental report for March presented.

H. Announcements:

1. Next meeting to be May 16, 1967.

I. Meeting adjourned at 8:15 p.m.

DORTHA R. MEYERS,  
Recording Secretary.

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

## Proceedings, April 14, 1967

The meeting was called to order at 7:37 P.M. by the Chairman Charles Keep.

### ROLL CALL

Present were: Gaus, Houck, Keep, Kelley, McComb, Rendon—6.

Absent: Jones and Wendrow—2.

No. 1561

Mr. John Bondarenko, appeared in behalf of the appeal to permit the erection of a twelve (12) unit apartment building, with the provision for twenty-four (24) parking spaces of which twenty-one (21) will be located in one (1) of the "legal" front yards, upon the premises known as Lot No. 2, Dorchester Circle. This is contrary to Section 36-5.1 (6) of the Zoning Ordinance in the following particulars:

No vehicle shall be parked in the required front yard except that land-going motor vehicles may be parked on a regularly constructed driveway.

Mrs. Robinson, telephoned the Planning Board Office April 13, 1967, and asked that her objection to the appeal be read into the minutes. She will follow her telephone call with a letter stating her objections.

Motion by Gaus, seconded by Houck, that the appeal be denied, under Section 36-12 (6) of the Zoning Ordinance.

The Board believes the variation will jeopardize the general intent of the Zoning Code and is not in the community interest.

The Board found based on testimony, and evidence that the variance would allow over development of the lot and would not provide the future occupants of the proposed apartment building a passive recreation area, and aesthetic qualities that can be achieved by prohibiting off-street parking from the required front yards. The Board further believes that: if the variance is granted it could establish a precedent for other residential development in the community, and would not be in keeping with the general intent of the Zoning Code.

Motion failed by the following vote:

Yea: 5.

Nay: 1.

The appeal was not granted. The required number of six (6) votes are needed to reverse any order, requirement, decision or determination of the Building Commissioner.

No. 1562

Mr. Hayes, President of American Bank & Trust Company, appeared on behalf of the appeal; to maintain and operate (Mondays through Saturdays) a mobile walk, in banking unit (approximately 12 ft. x 50 ft. in size) pending completion of permanent branch bank on West end of Colonial Village Shopping Center, upon the premises known as 1500-1600 West Mt. Hope Avenue. This is contrary to Section 36.41 of the Zoning Ordinance in the following particulars:

Use in J-Parking district confined to parking purposes.

Motion by Kelley, seconded by Gaus, that the appeal be granted, under Section 36-12 (7) of the Zoning Ordinance. Subject to the following conditions:

That the structure be placed so as not to obstruct sight distance of motorists or pedestrians entering or leaving the premises.

That the structure be removed upon issuance of occupancy permit for the permanent structure, or by September 1, 1968 whichever occurs first.

That the structure conform to applicable codes as determined by the Lansing Building Inspector.

The Board found based on testimony and evidence that; this variation would alleviate a practical difficulty due to planning and construction delays, and would be in keeping with the general intent of the Zoning Code.

Motion carried by the following vote:

Yeas: 6.

Nays: None.

#### No. 1563

Mrs. William Trower, appeared on behalf of the appeal to enclose the existing front porch with aluminum storm windows and door, which will reduce the required front yard from 27 ft. 1½ in. to 18 ft. A reduction of 8 ft. 3½ in. upon the premises known as, 1537 Lyons Avenue. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars:

Section 36-44 (4) requires a front yard having a depth of not less than 27 ft. 1½ in. so established by developed frontage.

Mrs. Trower, stated that she couldn't see where any more of the yard would be taken up because the porch was already there and she just intends on enclosing it.

Motion by Gaus, seconded by McComb that the appeal be granted under Section 36-12 (6) subject to the following conditions:

That adequate footings, and all other building requirements as determined by the Building Inspector be complied with.

That the enclosure be used only as protection for the main structure, and not converted into permanent living quarters.

The Board found, based on testimony and evidence, that other porches in the area have been enclosed, and the requested variance would not seriously affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yeas: 6.

Nays: None.

#### No. 1564

Mr. Norman J. Eipper, Jr. appeared in behalf of the appeal to permit front yard parking on the west side of present gas station building to allow 12 parking places upon the premises known as 1410 E. Kalamazoo Street, Lansing, Michigan. This is contrary to Section 36-5.1 (6) of the Zoning Ordinance.

Mr. Eipper indicated that the building now standing on said property will be remodeled for use as a real estate office. He noted that the front yard is paved with concrete and parking space is critical. He stated that the proposed structure would be an improvement to the neighborhood.

Mr. Michael Beyer, of 407 Clifford Street, who owns the lot south of and adjacent to said property, objected to the appeal on the grounds that the parking situation would create a hazardous traffic condition. He stated that cars parked here would interfere with the view of traffic coming down Kalamazoo Street.

Mr. Fred L. Kircher, of 1609½ E. Kalamazoo Street, supported the appeal. He stated that the vacant gas station is an eyesore, but he didn't understand the need for 12 parking spaces.

The Board Chairman, explained that the Zoning Ordinance requires one parking space for each 300 feet of office space.

Mssrs. Eipper, Beyer, and Kircher approached the Board to view and discuss the plans of the proposed development.

Motion by McComb, seconded by Gaus, that the appeal be granted under Section 36-12 (6) of the Zoning Ordinance subject to the following conditions:

That the one (1) parking space on the Northwest corner of the property be moved to the East side of the property.

That the planting strip along Kalamazoo Street as shown on the plan be provided and maintained, but be constructed so as not to obstruct view of traffic at the street intersection.

Tire stops be provided in the parking area, so as to prohibit motor vehicles from extending on or over public right-of-way.

A concrete retaining wall be provided along the South line of the parking area at grade with the property to the South, and that the wall follow the contour of said grade toward Clifford Street.

That a 4 ft. high chain link fence with interwoven redwood slats be provided above the retaining wall, but not to extend into the residential building set-back on Clifford Street.

The Board found that based on testimony and evidence that the variance would alleviate a demonstrable and unusual hardship in re-development of the property as proposed, and more important, promote re-development of a site that has cast a blighting influence on the area, and the community.

The Board further believes that this variance will be in keeping with the general purpose and intent of the Zoning Code, and will not seriously affect any adjoining property or the general welfare.

Motion carried by unanimous vote.

#### No. 1565

Mr. Earl H. Pierson, appeared in behalf of the appeal to erect an 18 ft. 2 in.

x 40 ft. attached garage which will reduce the front yard along Waverly Road, from 25 ft. to 16 ft. 10 in. A reduction of 8 ft. 2 in. upon the premises known as 3811 Lochmoor Drive. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars:

Section 36-44 (4) requires a front yard having a depth of not less than 25 ft., so established by Section 36-44 (4) of the Lansing Zoning Code.

Mr. Gaus wanted to know if there would be a curb cut off Waverly, and was advised that this was not part of the plan.

Mr. Cross, representing the Building Inspector, stated that a carport could be extended 15 feet from the property line.

Mr. Pierson approached the Board and distributed drawings of the proposed garage.

Mr. Guernsey asked if there were any other homes closer than 25 feet to the road?

Both Mr. Pierson and Mr. Fountain agreed that there were other homes both North and South of the subject property that were closer to Waverly Road but not less than 25 ft.

The Board wanted to know why the proposed garage couldn't be built in the back yard?

Mr. Pierson indicated that because of certain obstacles, the only feasible way to build would be as proposed.

Motion by McComb, seconded by Rendon, that the appeal be granted, under Section 36-12 (6).

The Board found that based on testimony and evidence that; the variance would enhance the development of the property, and would provide a physical barrier between the liveable area of the home and Waverly Road a major street. The Board discussed the relationship of the encroachment with the possibility of reducing sight distance for automobile traffic at the intersection of Waverly Road and Lochmoor Drive, and felt that the sight distance would not be impaired. The Board further believes that the variation will not seriously affect any adjoining property or the general welfare, and is in keeping with the general intent of the Zoning Code.

Motion carried by the following vote:

Yea: 6.

Nay: None.

No. 1566

New York Central representative and construction engineer, John Weston of

Detroit, appeared in behalf of the appeal to permit erection of railroad yard office building in an "A" one family district, adjacent to an "H" light industrial district, upon the premises known as 1300 block of East Cavanaugh Road North side. This is contrary to Section 36-17 of the Zoning Ordinance in the following particulars:

This use is not permitted in an "A" one family residential district.

Mr. Weston stated that the proposed building would be of the pre fab type, that it would be attractive and sound-proof. Mr. Weston further stated that this would provide more office space in the area. The coach and wooden building now on the property would be removed with the construction of the new building, thus improving the neighborhood.

The location of the proposed building will be between the present building and Cavanaugh Road.

Mr. Wayne Boody, 3901 Devonshire Avenue, objected on the grounds that the area had always been "A" one residential and that they didn't want any light industry in the area. Mr. Wayne Boody, Mr. Russell Harry, of 1125 Penway Drive, Mr. Donald Weinman, and another neighbor approached the Board to view and discuss the sketches of the proposed building.

After considerable discussion it was moved by Gaus, seconded by Houck, that the appeal be granted, under Section 36-12 (4) of the Zoning Ordinance.

The Board found that based on testimony and evidence that; the variation would not adversely affect any adjoining property or the general welfare, and will be in keeping with the general intent of the Zoning Code.

Motion carried by the following vote:

Yea: 6.

Nay: None.

No. 1567

Mr. Nick Jeffries, of 711 North Capitol Avenue, appeared on behalf of the appeal to reduce the required East front yard from 27 ft. 6 in. to 7 ft., and reduce required Southwesterly front yard from 20 ft. to zero feet. East front yard will be reduced 20 ft. 6 in. Southwesterly front yard will be reduced 20 ft., upon the premises known as 5757 South Cedar. This is contrary to Section 36-50 (4) of the Zoning Ordinance in the following particulars:

Section 36-50 (4) requires a front yard on East side of not less than 27 ft. 6 in. so established by developed frontage, measured from the pavement on Kaynorth Street. Section 36-50 (4) requires a Southwesterly front yard of 20 ft.

Mr. Jeffries commented that if the parking district was not changed, there would not be enough room to get the proposed building on the lot. The proposed use for the property is a beauty salon with 48 to 50 dryers.

Mr. Jeffries approached the Board with the plans of the proposed building.

Mr. and Mrs. Whiteside, of 5747 Kay-north Street, and nine of their neighbors, approached the Board to see the plans of the proposed building.

Mrs. Whiteside wanted to know about parking conditions. Mr. Jeffries told her he wanted to blacktop the area in front of the building.

Mr. Guernsey gave an explanation of where the proposed building was to be located on the lot.

Mr. Clyde Olin, spoke in behalf of the appeal and explained the proposed development for the subject property.

After considerable discussion it was moved by Gaus, seconded by Rendon, that the appeal be tabled, and that the property owner submit a more detailed plan showing the location of the proposed building and off-street parking spaces.

Motion carried by the following vote:

Yea: 6.

Nay: None.

#### No. 1568

Mr. John Spanburg, appeared on behalf of the appeal to erect a front entrance which will reduce the required front yard from 20 ft. 8 7/16 in. to 12 ft. 5 in. a reduction of 8 ft. 3 7/16 in. upon the premises known as 815 Bancroft Ct. This is contrary to Section 36-45 (4) of the Zoning Ordinance in the following particulars:

Section 36-45 (4) requires a front yard having a depth of not less than 20 ft. 8 7/16 in. by established setback.

Motion by Gaus, seconded by McComb, that the appeal be granted, under Section 36-12 (6) of the Zoning Ordinance.

The Board found that based on testimony and evidence that other homes in the area have enclosed front porches, and that the proposed vestibule would not project further into the front yard than the existing front porch. The Board believes that the variation would alleviate a practical difficulty, and will not seriously affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yea: 6.

Nay: None.

Motion by Gaus, seconded by Kelley, that the Board recess.

Carried.

The Board reconvened at 9:05 P.M.

Mr. Franklyn Kircher, of 1609 East Kalamazoo Street, asked that it be recorded in the minutes that he objects to the minutes of November 10, 1966. Mr. Kircher stated that two people were listed as being present, who did not attend the meeting. He referred to his letter directed to Mr. R. Guernsey, dated February 22, 1967.

Depositions from Mr. Claude O'Dell and Mrs. Harlan Parkhurst for Mr. Parkhurst, stating that they were not present at the November 10th meeting, were presented by Mr. Kircher and accepted by the Board.

The discussion followed relative to accuracy, grammar, and wording of the minutes and of the responsibility for the preparation of the minutes.

Delmer Smith, attorney, commented to the Board that he was present as an observer and was interested in the matter before the Board.

Mr. Kircher and Mr. Smith left the meeting.

Additional discussion was held on the matter by the Board. It was then moved by Kelley, seconded by Gaus, that the minutes of November 10th be corrected to remove the name of Mr. Claud O'Dell and Mr. Harland Parkhurst as being present at that meeting, and insert the names of Mrs. C. A. Gretzinger and Mr. Harvey M. Purchis.

Motion carried by the following vote:

Yea: 5.

Nay: 1.

The Board of Appeal minutes of November 10, 1966 have been corrected to read as follows:

Paragraph 6: Mrs. C. A. Gretzinger, 310 Allen Street, advised there are 17 children in the 300 block of Allen. An addition to the building will create more traffic problems than are there now.

Paragraph 10: Mr. Harvey Purchis, of 406 Allen Street, said he understood the building was constructed in 1950 which is 16 years ago. Why is the building too small, because of new equipment? He further stated that older people in the neighborhood that dealt with Mr. Kircher have found that their verbal agreements were not as agreed. Mr. Purchis was referring to the late Fred L. Kircher. He further mentioned that power saws, lawnmowers, etc. are noisy. The testing of equipment was supposed to be done in the new building behind. The testing of power equipment outside in the summer starts before 8:00 A.M. This is contrary to an

agreement to the neighborhood. He had some further comments on the parking situation both on their property and on the streets.

Motion by Gaus, seconded by Rendon, that the meeting be adjourned.

Motion carried by unanimous vote.

Meeting adjourned at 10:05 P.M.

RAYMOND C. GUERNSEY,  
Secretary.

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

**Proceedings, May 11, 1967**

Court Room No. 1  
6th Floor, City Hall  
7:30 P.M.

Motion carried by the following vote :  
Yea: 6.  
Nays: None.

Meeting was called to order at 7:37 P.M.  
by Chairman Keep.

## ROLL CALL

Present: Gaus, Houck, Keep, Kelley,  
McComb and Wendrow—6.

Absent: Jones and Rendon—2.

## HEARINGS

No. 1569

Mr. and Mrs. Twenter appeared in behalf of their appeal to construct an attached garage and walkthrough to the existing structure to within 3 ft. 9 in. of the west property line which will reduce the side yard by 3 ft. 3 in. upon the premises known as 2520 Darien Drive. This is contrary to Section 36-44 (3) of the Zoning Ordinance in the following particulars: Section 36-44 (3) requires a side yard of 10% of the width of the lot which is 7 feet.

Mr. and Mrs. Twenter stated that they live across from a school and because of the number of children they request the walkthrough in order to keep the garage doors shut because of the contents of the garage possibly being dangerous to the children.

No one appeared in objection to this appeal.

Motion by McComb, seconded by Houck, that the appeal be granted, under Section 36-12 (6) of the Zoning Ordinance. The Board found, based on testimony and evidence, that the variation would not seriously affect any adjoining property or the general welfare.

The Board further believes that the reasons submitted by the applicant were justifiable under the terms set aside by the Zoning Code.

No. 1570

No one appeared in favor of or in opposition to the appeal to enclose a front porch with glass windows which will reduce the required front yard from 20 feet to 13 feet, a reduction of 7 ft., upon the premises known as 1008 Cleveland Street. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars: Section 36-44 (4) requires a front yard having a depth of not less than 20 feet so established by developed frontage.

Motion by Houck, seconded by Gaus, that the appeal be granted under Section 36-12 (6) of the Zoning Ordinance subject to the following conditions:

That adequate footings and all other building requirements as determined by the Building Inspector be complied with.

The enclosure be used as protection for the main structure, and not converted into permanent living quarters.

The Board found that based on testimony and evidence submitted by the Planning Staff that the variation would not seriously affect any adjoining property or the general welfare, and would be in keeping with the general intent of the Zoning Code.

Motion carried by the following vote :

Yea: 6.  
Nays: None.

No. 1572

Mr. Allison Thomas, attorney for the United Church Manors, appeared on behalf of the appeal to convert a 210 room hotel to a 100 unit apartment building of seven

stories to be used for housing for elderly, and the erection of an eight story, 200 bed building to be used for extended care for the elderly, in the "E" district upon the premises known as 220 Seymour Avenue. This is contrary to Sections 36-48 (1), 36-48 (5), 36-33, and 36-48 (4) of the Zoning Ordinance. Section 36-48 (1) requires a height of not more than four stories or sixty feet and Section 36-48 (5) requires 1,000 square feet per family (100,000 sq. ft.), Section 36-33 requires one parking space per living unit and Section 36-48 (4) requires a front yard of 6 ft. 1 in. as established by 40% of developed frontage on Ionia Street and Seymour Street requires a front yard of 6 ft. 11 in. as established by 40% of the developed frontage.

Mr. Thomas stated that the primary objection at the time this appeal was denied before was insufficient parking, and insufficient yard space. He stated that they had secured an option on the property to the North of the hotel which is now used as a parking lot, and which they proposed to develop into an extended care facility. Mr. Thomas then introduced Mr. George Ross, architect, from Massachusetts who presented a design concept showing the open space and parking facilities of the proposed building.

Dr. John Sherman, medical consultant from the Michigan Department of Health, spoke on the nature of the extended care facility, stating that they were interested in setting up a model nursing home in Michigan, which would be a place where training demonstration, projects of research, both operational, and basic would be carried out in an endeavor to improve the quality of nursing home and care in this state.

Mr. Charles Chaskis, Executive Director of the Department of Social Services of the Commission on Aging for the State of Michigan, spoke on the need for the proposed type of project in the City of Lansing.

Mr. Steve Ziak, Vice President of Senior Consultants, who are the consultants to the Michigan Conference of United Church of Christ in the development of the project, spoke on the progress of the Federal application loan for \$900,000 presently in Chicago. Mr. Gaus asked how long it would take to remodel the hotel, and Mr. Ziak replied the construction period is projected at one year. He commented further that the renovation of the hotel would probably come first they hope to run the two projects together.

Mr. Thomas stated that Reverend Carl Stacer, Associate Pastor of the Peoples Church in East Lansing, and Mrs. Baker, Secretary of the Organization were present if any of the Board Members had any questions. He commented that this proposal is not just an ordinary nursing home but it will be a multiple use facility.

Mr. Gaus asked why 200 extensive care units were considered, and Mr. Ross replied

that this is based on the new concept of 40 beds per module, which involves nursing stations and other items as related to the 40 beds. We are projecting 100 square feet per bed. Mr. Gaus then asked if there was any contact between this organization and the Lansing area Housing Commission? Mr. Ross replied that they had gotten into extensive discussion with people representing different organizations related to medical and nursing home care and reactions were favorable. There has been close contact with the Department of Health.

Mr. McComb asked how many of these types of programs there were proposed in Lansing? Mr. Guernsey replied that this is a housing project which is for those at moderate income, as opposed to the low income project.

Mr. McComb asked if the low cost project proposed by the city has a height variance. Mr. Guernsey replied the proposal submitted to the city meets all the restrictions in terms of density height. There are none proposed that would exceed the limits of the codes.

Mrs. Houck asked how high the proposed project opposite the Roosevelt would be, and Mr. Guernsey replied about 100 ft.

Further discussion on height followed.

Mrs. Houck asked how many parking spaces in the city proposal, and Mr. Guernsey replied 36, with room to expand. You have to provide 35, and enough room to expand to 50 if needed.

Mr. Kelley asked the foundation size of the proposed project and was told it was 145.4 x 80 ft.

Reverend Stacer commented on the fact of people having to go out of town to nursing homes because there is not much available here in Lansing.

Discussion followed.

Motion by McComb, seconded by Gaus, that the appeal be granted under Section 36-12 (6), 36-12 (7) of the Zoning Ordinance.

The Board found that based on testimony and evidence that a hardship did exist in development as proposed. The Board further believes that there is a need in this city for this type of project. They have shown good faith in that they are submitting a Plan with off-street parking which was the main objection on the previous appeal.

Motion carried by the following vote:

Yeas: 6.

Nays: None.

## No. 1573

Mr. Theodore Gorski appeared on behalf of the appeal to permit additional parking in the required front yard upon the premises known as 4525 North Grand River Avenue. This is contrary to Section 36-5.1 (6) of the Zoning Ordinance in the following particulars: Section 36-5.1 (6) does not allow parking in the required front yard which is 20 feet.

Mr. Gorski stated he was the owner of the property on the corner of Grand River and Andrew Avenue. He said that at the present time there are 13 parking spaces, which is insufficient parking space. He would like to put in additional parking on Grand River side of the building. There would be no obstructions for the visibility of traffic.

Mr. McComb commented on the parking situation as it is now.

Marie Jergensen, mortgage holder at 3226 Andrew Avenue, stated her objections to this appeal and commented on trouble she had in regard to the apartments.

Mrs. Westlund, the purchaser, of the property at 3226 Andrew Avenue, also stated her objections to this appeal.

Motion by Gaus, seconded by McComb, that the appeal be denied under Section 36-12 (7) of the Zoning Ordinance.

The Board found that based on testimony and evidence that the variation would contribute to overcrowding of the land, and remove the functional light and air and aesthetic qualities that can be achieved by prohibiting off-street parking from the required front yards.

The Board further believes that the granting of this request would constitute a special privilege to the property owner and would not be in keeping with the general intent of the Zoning Code.

Motion carried by the following vote:

Yea: 6.

Nay: None.

Motion by Gaus, seconded by Houck, that it be recommended to the property owner that additional property be acquired for parking requirements.

Motion carried by unanimous vote.

## No. 1574

A representative from 20th Century Builders, Inc. appeared in behalf of the appeal to permit additional parking in the required front yard, upon the premises known as 4515 North Grand River Avenue.

This is contrary to Section 36-5.1 (6) of the Zoning Ordinance in the following particulars: Section 36-5.1 (6) does not allow parking in the required front yard which is 20 feet.

The representative from 20th Century Builders, Inc. stated that they had just blacktopped the area. They have 26 units and approximately 32 spaces, and by blacktopping the front of the building they can get another 5-6 parking spaces per building.

Mr. McComb asked if 20th Century Builders also owned the property on the corner of N. Grand River and Andrea Avenue and the answer was no they did not. He then asked if they had tried to acquire this property for parking, and was told that they had tried to acquire the property, but the price was too high.

Motion by Gaus, seconded by McComb, that the appeal be denied.

Motion carried by the following vote:

Yea: 6.

Nay: None.

Motion by Gaus, seconded by Houck, that it be recommended to the property owner that additional property be acquired for parking requirements.

Motion carried by unanimous vote.

## No. 1575

This is an appeal to permit additional parking in the required front yard upon the premises known as 4437 N. Grand River. This is contrary to Section 36-5.1 (6) of the Zoning Ordinance in the following particulars: Section 36-5.1 (6) does not allow parking in the required front yard which is 20 feet.

A representative from the 20th Century Builders, Inc. was present on behalf of this appeal.

Mr. John Demmer, factory operator and owner of several parcels of land in the subject area, questioned the city in regard to the granting of the building permit for these apartments, where parking was intended when the building was built, and where children would be able to play in the area. He stated he was opposed to this appeal.

Further discussion followed.

Motion by Gaus, seconded by McComb, that the appeal be denied.

Motion carried by the following vote:

Yea: 6.

Nay: None.

Motion by Gaus, seconded by Houck, that it be recommended to the property owner that additional property be acquired for parking requirements.

Motion carried by unanimous vote.

#### No. 1576

No one appeared on behalf of the appeal to permit the erection of a one family dwelling with 6 feet sideyard on the west side of Lot 59, Southbrook Hills Subdivision, a reduction of 4 feet, upon the premises known as 615 Blue Bell. This is contrary to Section 36-44 (3) requires a side yard of 10% or 10 feet on this lot.

Mr. Marvin Denning, 5324 Tulip Avenue, the property owner at 5314 Tulip and the property owner at 5305 Tulip Avenue appeared in objection to this appeal.

Motion by McComb, seconded by Wendorf, that the appeal be denied under Section 36-12 (6) of the Zoning Ordinance.

The Board found that based on testimony and evidence that the variation would crowd the existing dwelling to the west, and that it is not impossible to develop the subject property under the existing terms of the Ordinance.

Motion carried by the following vote:

Yea: 6.

Nays: None.

#### No. 1577

No one appeared on behalf of the appeal to enclose an existing front porch with glass which will reduce the required front yard 2 ft. 4½ in. upon the premises known as 405 S. Clemens Street. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars: Section 36-44 (4) requires a front yard of 20 ft. 6½ in. as estimated by 40% of the developed frontage. This will reduce the required front yard to 18 ft. 2 in.

Motion by Houck, seconded by McComb, that the appeal be granted under Section 36-12 (6) of the Zoning Ordinance subject to the following conditions:

That adequate footings and all other building requirements as determined by the Building Inspector be complied with.

That the enclosure be used as protection for the main structure, and not converted into permanent living quarters.

The Board found that based on testimony and evidence submitted by the Planning Staff, that the variation would be in keeping with the general intent of the Zoning

Code, and would not seriously affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yea: 6.

Nays: None.

#### No. 1579

Mr. Glenn D. Craul, appeared on behalf of the appeal to permit the construction of a concrete parking pavement 20 ft. x 30 ft. upon the premises known as 532 S. Sycamore Street. This is contrary to Section 36-5.1 (6) of the Zoning Ordinance in the following particulars: Section 36-5.1 (6) prohibits vehicular parking within the required front yard except on regular constructed driveways.

Mr. Craul stated that he bought the residence a year ago and was not aware of the parking problems. Because of the way the land was developed he is forced to use a joint drive in which he cannot park the cars of his tenants. He has a 20 by 30 foot piece of land on the side which he proposes to use for parking space.

Mr. Gaus asked how many units he had and how many parking spaces he needs? Mr. Craul replied he had two units and needed four parking spaces.

Mr. Fountain stated that there was a letter from W. H. Harris, 716 W. Hillsdale Street in objection to this appeal.

Mr. Fountain asked if Mr. Craul was fully aware of where the street right-of-way line was on Hillsdale Street, and Mr. Craul replied to the best of his knowledge he was aware of it. Mr. Fountain stated that it was checked with a measuring wheel and it was found to be only approximately 14 feet from the existing dwelling.

Further discussion followed.

Motion by McComb, seconded by Gaus, that the appeal be denied, under Section 36-12 (6) of the Zoning Ordinance.

The Board found that based on testimony and evidence that the variation would contribute to over-crowding of the land. The variation would jeopardize the general intent of the Code, and could seriously affect the adjoining property and the general welfare.

Motion carried by the following vote:

Yea: 6.

Nays: None.

#### No. 1581

Mr. John York, appeared in behalf of the appeal to maintain and operate Mon-

day through Saturday, a temporary drive-in banking unit pending completion of the permanent branch bank upon the premises known as 5100 S. Cedar Street. This is contrary to Section 36.41 of the Zoning Ordinance in the following particulars: Use in the "J" parking district confined to parking purposes.

Mr. Gaus asked what type of temporary structure this will be and why it has to be a temporary structure at this time. Mr. York replied it is called an instabank which comes in two sections on a flatbed truck and it is bolted together and fits on a concrete foundation; in regard to the reason for a temporary structure he stated that they go to the Banking Commission for approval on a site and they have so long to set up their facilities on the site, and we have already been granted one extension. A permanent building on the site is expected to be started this year.

Motion by Gaus, seconded by Kelley, that the appeal be approved under Section 36-11 (7) of the Zoning Ordinance, subject to the following conditions:

That the structure be placed so as not to obstruct sight distance of motorists or pedestrians entering or leaving the premises.

That the temporary structure be removed upon issuance of occupancy permit

for the permanent structure, or one year from date of approval, which ever occurs first.

That the structure conform to applicable codes as determined by Lansing Building Inspectors.

The Board found that based on testimony and evidence that the variation would alleviate an unusual hardship and would be in keeping with the general intent of the Comprehensive Plan as established by the chapter.

Motion carried by the following vote:

Yea: 6.

Nays: None.

Motion by Houck, seconded by Wendrow, that the minutes of April 13, 1967 be approved as printed and considered read.

Motion carried by unanimous vote.

Meeting adjourned at 10:15 P.M.

RAYMOND C. GUERNSEY,  
Secretary.

B

**RESOLUTION NO. 77**

BE IT RESOLVED, that American Bank and Trust Company be, and it is hereby designated a depository of this Commission and that funds so deposited may be withdrawn upon a check, draft, note or order of the Commission.

BE IT FURTHER RESOLVED, that all checks, drafts, notes or orders drawn against said account be signed by any of the following: Marcel B. Elliott, Acting Director or Ronald G. Stonehouse, Accountant-Administrative Assistant, and countersigned by any of the following: Ann M. Oliver, President or Bruce E. Blackall, Vice President and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

BE IT FURTHER RESOLVED, that said American Bank and Trust Company is hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be payable to the order of any such person signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so sign-

ing and/or countersigning said checks, drafts, notes or orders, or to the individual credit of any of the other officers or not.

This resolution to continue in force until notice to the contrary in writing is duly served on said Bank.

It was moved by Commissioner Patterson, supported by Commissioner Owen that Resolutions No. 74, No. 76 and No. 77 be adopted and upon roll call, the Ayes and Nays were as follows:

Ayes: Commissioner Oliver, Owen, Patterson—3.

Nays: None.

The President declared the motion carried and Resolutions No. 74, No. 76 and No. 77 adopted.

Meeting adjourned.

Respectfully submitted,

MARCEL B. ELLIOTT,  
Acting Director.

## **OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING**

**Proceedings June 8, 1967**

Meeting called to order at 7:32 P.M. by Vice-Chairman Wendell McComb.

Present: Gaus, Houck, Jones, Kelley, McComb and Rendon—6.

Absent: Keep and Wendrow—2.

**PETITIONER'S PRESENTATION**

No. 1580

No one appeared in regard to the appeal to construct and enclose the front porch with combination storm windows, which will reduce the required front yard of 20 ft. to 15 ft., a reduction of 5 ft., upon the premises known as 1601 N. Genesee Drive. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particu-

lars: Section 36-44 (4) requires a front yard of 20 ft. on each street side. No one appeared in opposition to this appeal.

Motion by Gaus, seconded by Jones, that the appeal be granted under Section 36-12 (6) of the Zoning Ordinance subject to the following conditions:

- (1) Adequate footings and all other building requirements as determined by the Building Inspector be complied with.
- (2) That the enclosure be used only as protection for the main structure and not converted into permanent living quarters.

The Board found, based on evidence submitted by the petitioner and after field inspection supplemented by the Staff, that such variation will not seriously affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yea: 6.

Nay: None.

Motion carried by the following vote:

Yea: 6.

Nay: None.

#### No. 1582

Mr. George Lazaroff, the petitioner, appeared on behalf of the appeal to permit the erection of an attached garage within 4 feet of the side yard lot line, a reduction of two feet upon premises known as 602 Armstrong Road. This is contrary to Section 36-44 (3) of the Zoning Ordinance in the following particulars: Section 36-44 (3) requires a side yard of 10% of the lot width, which is six feet.

A letter from Franklin Hall, 608 Armstrong Road, Lansing, Michigan in opposition to this appeal was received and placed on file.

Mr. Lazaroff stated that he had called City Hall and was told that three feet was required. A building permit was issued and after the footings had been dug and the forms put in he was told he was in error. It would cost about \$200 to get this work redone.

Motion by Gaus, seconded by Kelley, that the appeal be granted under Section 36-12 (6) of the Zoning Ordinance. The Board has found that strict application of the provisions of this ordinance would impose an unnecessary hardship upon the applicant. The Board found based on testimony and evidence, that there was a hardship beyond control of the petitioner and that light, air, and view would not be seriously reduced.

Motion carried by the following vote:

Yea: 6.

Nay: None.

#### No. 1583

No one appeared in regard to the appeal to permit the erection of a 13 x 22 free standing garage to replace the present attached garage 49 ft. from the front property line, upon the premises known as 526 W. Kilborn Ave. This is contrary to Section 36-21 (4) of the Zoning Ordinance in the following particulars: Section 36-21 (4) requires accessory buildings to be 60 feet from the front property line. This will be a reduction of 11 feet.

Motion by Houck, seconded by Gaus, that the appeal be granted under Section 36-12 (6) of the Zoning Ordinance. Based on testimony and evidence the Board found that the general welfare took precedence over the letter of the law. The petitioner in this case had a hardship involving lot size and existing conditions beyond his control.

#### No. 1584

Mr. Isaac M. Watts, the petitioner, appeared on behalf of the appeal to extend the front wall of the kitchen and dining room 4 feet into the required front yard. This will reduce the front yard 2 ft. 2 in., from 29 ft. 2 in. to 27 ft. upon the premises known as 2806 Fielding Drive. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars: Section 36-44 (4) requires a front yard of 29 ft. 2 in. so established by the developed frontage measured from the sidewalk.

Mrs. Houck asked if this variation had been discussed with any of the neighbors, and Mr. Watts replied that he had talked to some neighbors and there were no objections.

No one appeared in objection to this appeal.

Motion by Gaus, seconded by Kelley, that the appeal be granted under Section 36-12 (6) of the Zoning Code. The Board further believes that the variation will not seriously affect any adjoining property or the general welfare.

Determination of the Board was based on testimony presented by the petitioner and facts obtained by the Staff during field observations.

Motion carried by the following vote:

Yea: 6.

Nay: None.

#### No. 1585

Mr. Charles L. Chenoweth, the petitioner, appeared on behalf of the appeal to permit enclosure of a portion of a newly constructed front porch which will reduce the required front yard to 26 ft., a reduction of 7 ft., upon the premises known as 607 E. Mt. Hope Avenue. This is contrary to Section 36-45 (c) of the Zoning Ordinance in the following particulars: Section 36-45 (c) requires a front yard of 33 feet so established by 40% of the developed frontage.

A letter from Hurshal D. McKinney and Mildred McKinney, property owners, at 605 E. Mt. Hope Avenue, in objection to this appeal was read to the Board by Vice Chairman McComb. It was received and placed on file.

Mr. Chenoweth pointed out that a number of homes in the immediate area have enclosed porches.

Motion by Gaus, seconded by Kelley, that the appeal be granted in accordance with Section 36-12 (6) of the Zoning Ordinance subject to the following conditions:

- (1) That adequate footings and all other building requirements as determined by the Building Inspector be complied with.
- (2) That the enclosure be used only as protection for the main structure and not converted into permanent living quarters.

Based on testimony and evidence the Board found that the enclosure would not seriously affect the adjoining property or the general welfare.

Motion carried by the following vote:

Yeas: 6.

Nays: None.

#### No. 1586

Mr. J. P. Hershiser, the petitioner, appeared on behalf of the appeal, to permit the existing foundation to remain at 27 ft. 8 in. setback from the sidewalk. This is a reduction of 1 ft. 4 in. of the required front yard upon the premises known as 3409 Inverary. This is contrary to Section 37-44 (4) of the Zoning Ordinance in the following particulars: Section 36-44 (4) requires a front yard of 29 ft. from the sidewalk so established by 40% of the developed frontage.

Mr. Hershiser stated that he had hired a surveyor, and it was his intent to comply with the rules. He set it back further than we thought was required. As far as the neighbors are concerned, they are not against this appeal to my knowledge.

Motion by Gaus, seconded by Kelley, that the appeal be granted under Section 36-12 (6) of the Zoning Ordinance. The Board believes that strict application of the provisions of this ordinance would impose an unnecessary hardship upon the applicant. Based on testimony and evidence submitted by the Staff and Building Inspector, the Board found that a hardship did exist due to the surveyor's error, and that the variance as granted would not affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yeas: 6.

Nays: None.

#### No. 1587

Mr. Bos, the petitioner, appeared on behalf of the appeal, to enclose the existing front porch with glass which will reduce the required front yard from 20 ft. 8 in. to 14 ft. 6 in., a reduction of 6 ft. 2 in., upon the premises known as 1600 Alpha Street. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars: Section 36-44 (4) of the Zoning Ordinance requires a front yard of 20 ft. 8 in. so established by 40% of the developed frontage.

Mr. Bos commented regarding children taking his mail, and tracking snow and ice into the living room in the winter.

Motion by Kelley, seconded by Gaus, that the appeal be granted under Section 36-12 (6) of the Zoning Ordinance subject to:

- (1) Adequate footings and all other building requirements as determined by the Building Inspector be complied with.
- (2) That the enclosure be used only as protection for the main structure and not converted into permanent living quarters.

Based on testimony and evidence submitted by the petitioner the Board found that such variation would not seriously affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yeas: 6.

Nays: None.

#### No. 1588

Mr. Chapman, the petitioner, appeared in behalf of the appeal to construct a family room which will reduce the required side yard from 9 ft. to 7 ft., a reduction of 2 ft., upon the premises known as 2114 Tecumseh River Road. This is contrary to Section 36-44 (3) of the Zoning Ordinance in the following particulars: Section 36-44 (3) requires a side yard of 10% of the width of the lot or 9 feet at the building line.

Mr. Chapman stated that to his knowledge there was no one in objection to this appeal. He submitted a letter from a neighbor, John E. Demmer stating he had no objection. Letter was received and placed on file. Mr. Chapman commented on the topography of the land, stating that most of the addition would meet the 9 foot side yard requirement. He then approached the Board to further discuss his proposed addition.

No one appeared in opposition to this appeal.

Motion by Houck, seconded by Rendon, that the appeal be granted based on the

written testimony of the neighbor, John E. Demmer, that the variance would not have an adverse effect on the surroundings or on the general welfare.

Motion carried by the following vote:

Yea: 6.

Nay: None.

No. 1591

Mr. Fred L. Bye, representing Holiday Inns of America, Inc., appeared on behalf of the appeal to erect a ground sign in the "D" apartment district, upon the premises known as South I-96 and South US 127. This is contrary to Section 36-26 of the Zoning Ordinance in the following particulars: Section 36-26 does not allow the erection of a ground sign.

Mr. Bye stated that this sign is necessary to establish identification and exact location of the entrance to the motel.

Mrs. Houck asked if there would be a sign on the building, and Mr. Bye replied that there would.

Discussion followed as to the size, height, and location of the proposed sign.

No one appeared in objection to this appeal.

Motion by Gaus, seconded by Kelley, that the appeal be granted subject to approval of the height by the Building Board of Appeals, under Section 36-12 (7) of the Zoning Ordinance. The Board finds that the design of the interchange warrants a variation from the comprehensive plan. Based on testimony and evidence presented

by the representative of the owner and Staff as to the commercial character of the surroundings, the Board found that the variance was in harmony with the general purpose of the Zoning Code and alleviates a hardship regarding identification of access.

Motion carried by the following vote:

Yea: 6.

Nay: None.

No. 1567

Motion by Houck, seconded by Gaus, that this appeal be tabled an additional 30 days to be placed on the July 13, 1967 agenda, and that the property owners within 300 feet of the subject property be notified to this effect.

Motion carried by unanimous vote.

Motion by Gaus, seconded by Houck, that the minutes of May 11, 1967 be approved as printed.

Motion carried by unanimous vote.

The Board reiterated its intent to have property owners within 300 feet notified each time an appeal is placed on the agenda.

Meeting adjourned at 8:30 P.M.

RAYMOND C. GUERNSEY,  
Secretary.

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

**Proceedings, July 13, 1967**

The meeting was called to order at 7:41 P.M. by Chairman Charles Keep.

## ROLL CALL

Present: Houck, Keep, Kelly, McComb, Rendon, Wendrow—6.

Absent: Gaus, Jones—2.

No. 1567

No one appeared in behalf of the appeal to reduce the required East front yard from 27 ft. 6 in. to 7 ft. and reduce the required southwesterly front yard from 20 ft. to zero feet upon the premises known as 5757 South Cedar. Southwesterly front yard will be reduced 20 ft. and East front yard will be reduced 20 ft. 6 in. This is contrary to Section 36-50 (4) of the Zoning Ordinance in the following particulars: Section 36-50 (4) requires a front yard on east side of not less than 27 ft. 6 in. southeasterly by developed frontage. Section 36-50 (4) requires a southeasterly front yard of 20 ft. from pavement.

Approximately 25 people appeared in objection to this appeal.

It was brought to the attention of the Board that some residents within 300 feet of above mentioned property were not notified of the meeting.

The Board gave its apologies to the residents and asked if they had any objection to continuing with the meeting.

There were no objections from those present.

The names of those not notified are: Mrs. Carl Benton, 5742 Kaynorth; Margaret Sperry, 5723 Kaynorth; Doris Hedley, 5717 Kaynorth; Mrs. Randall Thayer, 5737 Kaynorth.

A letter was sent to Mr. Clyde J. Olin, Real Estate Agent in charge of said property, asking him to furnish the Board with more detailed plans of the proposed building and size of everything involved. There was no reply from Mr. Olin.

Mr. Jim Eddy appeared before the Board and asked if the plat in question actually reached to Cedar Street. There is a small Consumer's Power Company ROW on this property.

Mr. Keep explained that the ROW would not affect the address of the property, and that the ROW could be used for drive-way purposes if an agreement to this effect were reached between the owner and Consumers Power Company.

Mr. Eddy explained that he was interested in where the parking area would be located. If the parking were on Kaynorth, it would make that street very narrow and hinder traffic.

Motion by Kelly, seconded by McComb, that the appeal be denied.

The Board found, based on testimony and evidence, that they did not have sufficient evidence to make a determination on the appeal, and the applicant did not make an effort to furnish such data as requested by the Board in a letter dated April 20, 1967.

Motion carried by the following vote:

Yeas: Houck, Keep, Kelly, McComb, Rendon, Wendrow—6.

Nays: None.

No. 1589

Mr. Lawrence Randt appeared in behalf of his appeal to enclose an existing front porch with glass, which will reduce the required front yard from 27 ft. to 19 ft. 10 in., a reduction of 7 ft. 2 in. upon the premises known as 300 East Cavanaugh Road. This is contrary to Section 36-44 (4) which requires a front yard of 27 ft. as established by developed frontage.

Mr. Robbins, of the Building Department, explained that all yard measurements are made to the foundation, and that the overhanging bedroom was an infraction of the required front yard.

No one appeared in objection to the appeal.

Motion by McComb, seconded by Wendrow that the appeal be granted under Section 36-12 (6) of the Zoning Code.

The Board found, based on testimony and evidence, that the variation would not seriously affect adjacent property, or the general welfare, and would be in keeping with the general intent of the Code.

Motion carried by the following vote:

Yeas: Houck, Keep, Kelly, McComb, Rendon, Wendrow—6.

Nays: None.

#### No. 1590

Mr. Foster and Mr. Hartwick appeared in behalf of the appeal to erect a building within six feet of the south property line upon the premises known as 811 North Washington. This will be a reduction of 4.15 feet from the required 10.15 feet.

Mr. Bruce Hartwick, architect, spokesman for the Maurer-Foster Co., presented the Board with drawings. The Board received and placed on file a letter from the next door neighbor approving the proposed action. Mr. Hartwick stated that the purpose was to connect the second floor of two adjacent buildings so as to make the second floor of both buildings continuous.

Mrs. Houck asked if Mr. Foster intended on tearing down a house on Madison to make parking spaces.

Mr. Hartwick answered in the affirmative.

Mr. McComb asked how many parking places would be added.

Mr. Hartwick stated that 29 parking places were intended, and that on the basis of 4800 additional feet our code only required 16 parking places.

Mr. Kelly asked what would be beneath the attached second floor.

Mr. Hartwick stated that it would be parking area.

Mr. McComb asked how many employees would be in the building.

Mr. Foster stated that there would be approximately 25 people in the building.

No one appeared in objection to this appeal.

A letter from Mr. Peter Ghineill of 807 North Washington Ave. stating he had no objection to this appeal, was received and placed on file.

Motion by McComb, seconded by Wendrow that the appeal be granted under Section 36-12 (6) of the Zoning Code.

The Board found, based on testimony and evidence, that strict application of the Code would work a hardship on the applicant, and that the variation would not seriously affect adjacent property, or the general welfare, and would be in keeping with the general intent of the Code.

Motion carried by the following vote:

Yeas: Houck, Keep, Kelly, McComb, Rendon, Wendrow—6.

Nays: None.

#### No. 1592

Mr. Ed LaVanway appeared in behalf of the appeal for the Bank of Lansing to erect two plastic signs in "J" Parking upon the premises known as 5226 South Cedar and south side of Jolly Road. This is contrary to Section 36-41 (9) which does not permit this type of sign in "J" Parking district.

Mr. LaVanway stated that the sign would be a new type of stainless steel sign which would have interior illumination. He also stated that the sign is of a type now being used in Metropolitan Detroit and that they would like to introduce it to the Lansing area. He stated that Mr. Granger had set aside the Jolly Rd. location as a driveway into the shopping area, not only for the bank, but for all the other stores located therein and that it would be better for the bank to have its own sign rather than one on a pylon with many other names on it.

No one appeared in objection to this appeal.

Motion by Wendrow, seconded by McComb that the appeal be denied under Section 36-12 (7) of the Zoning Ordinance.

The Board discussed the petition in terms of city policy on identification signs for shopping centers. The bank's separate ownership of property in this center, in the opinion of the Board, did not make the bank any less a part of the center. The fact of easements for the bank's use, and the arrangement for a bank sign on Jolly Road, substantiated the Board's conclusion that the bank is an integral part of the center. To grant the petition would be to allow the applicant to do something the other tenants of the center have been denied. The bank does have a sign on the building at present.

The motion did not pass by the following vote:

Yeas: Houck, Keep, McComb, Wendrow—4.

Nays: Kelley, Rendon—2.

There must be six (6) votes to reverse any order, requirement, decision, or determination of the Building Commissioner.

The Board found, based on testimony and evidence, that there was no unusual or demonstrable hardship, and that a strict application of the Zoning Code is in harmony with the City policy concerning signs for shopping centers.

Land ownership does not functionally divorce the bank from the adjacent commercial development. A sign, attached to the main identification sign for the Plaza, would be in keeping with the policy for shopping center identification.

#### No. 1593

Mr. Clarence H. Rose appeared in behalf of his appeal to permit construction of rear addition of 5 ft. to kitchen area, which will reduce the required rear yard to 27 ft. upon the premises known as 1430 Lindbergh Drive. This is a reduction of 3 feet, which is contrary to Section 36-44 (2), which requires a rear yard of 30 feet.

Mr. Rosa said that he had talked to adjacent property owners and they agreed that this was a sensible thing to do.

Mr. Guernsey stated that the Board has letters of approval from adjacent property owners and that they have not objected to the appeal. Mr. Jacob P. and Alice O. Frome have so indicated.

No one appeared in objection to this appeal.

Motion by Houck, seconded by Wendrow that the appeal be granted under Section 36-12 (6) of the Zoning Ordinance.

Motion carried by the following vote:

Yea: Houck, Keep, Kelly, McComb, Rendon, Wendrow—6.

Nays: None.

The Board found, based on testimony and evidence, that the variation would not seriously affect adjacent property, or the general welfare, and would be in keeping with the general intent of the Code.

#### No. 1594

No one appeared in behalf of the appeal to place an identifying sign at the site of the mobile banking unit; operation of which was approved by the Board of Zoning Appeals in Appeal No. 1562, upon the premises known as 1500-1600 West Mt. Hope Avenue. This is contrary to Section 36-41 (9) of the Zoning Ordinance in the

following particulars: Section 36-41 (9) confines use of "J" Parking district to parking purposes.

No one appeared in objection to the appeal.

Motion by McComb, seconded by Kelly that the appeal be granted under Section 36-12 (7) of the Zoning Ordinance.

Motion carried by the following vote:

Yea: Houck, Kelly, Keep, McComb, Rendon, Wendrow—6.

Nays: None.

The Board found, based on testimony and evidence, that the variation would not seriously affect adjacent property, or the general welfare, and would be in keeping with the general intent of the Code.

The appeal was granted subject to the following conditions:

1. That the existing sign be removed.
2. The sign be located as close as possible to the North end of the mobile unit.
3. That this sign be removed upon removal of the Mobile Unit.
4. That the sign be limited to 23 square feet in area.
5. Maximum height of the sign shall be greater than 13 feet.
6. Illumination shall be neither flashing nor intermittent, and shall be designed and constructed so as to concentrate the illumination on the face of the sign and prevent glare upon the street or adjacent property.

#### No. 1596

Mr. Gasper Covello and his son, James Covello, appeared in behalf of their appeal to erect an addition to their existing building. The proposed addition will be in the required front yard which is twenty feet. Addition will also extend south into "J" Parking, a distance of 11 feet, upon the premises known as 4316 South Logan. This is contrary to Sections 36-50 (4) and 36-41 (4) of the Zoning Ordinance in the following particulars:

Section 36-41 (4) allows only parking in "J" Parking area. The Board can permit the extension of the "F" district into the "J" area under Section 36-12 (2). Section 36-50 (4) requires a front yard of 20 feet. This will reduce the front yard to 5 feet.

Mr. James Covello stated that the adjacent building was set back approximately 22

feet from their supermarket. He also stated that the building was hard to lease or rent because of the setback. Therefore, they would like to square up the building with the store. He also said the property was zoned commercial except for an 11 foot strip which they are asking for at this time.

The Board asked where the 11 foot strip was located.

Mr. Covello approached the Board and pointed out on the map the above mentioned strip of land. Mr. Covello also stated that at the present time, someone was interested in the property, and if the building were expanded, it would provide much more room and ample parking space. Mr. Covello stated that he and his father would be more than happy to work with the Planning Board in this matter.

Questions and answers, concerning the area and footage of the property involved, followed.

No one appeared in objection to this appeal.

Motion by McComb, seconded by Wendorf that the appeal be denied as filed.

Motion carried by the following vote:

Yea: Houck, Keep, Kelly, McComb, Rendon, Wendorf—6.

Nay: None.

The Board has the power to permit the extension of a district where the boundary line of a district divides a lot held in a single ownership at the time of passage of Ordinance Number 154 of the Zoning Code. Thus, in this case, the Board has no power to adjust the district line because the property has been re-zoned since becoming part of the city. "The Board cannot consider appeals from determinations by the City Council:

"Section 6.1 of the City Charter interpreted by the City Attorney on this matter in April, 1965."

Motion by Houck, seconded by Rendon that:

The applicant be granted permission to build in the required front yard where the subject building sets back from the existing store building. This allows the applicant to square-off the two buildings across the front. The Board suggested the applicant's recourse be to apply for rezoning of the "J" Parking area as he desires.

Motion carried unanimously.

No. 1598

Mr. Spagnuolo appeared in behalf of his appeal to erect an identification sign in "J" Parking area upon the premises known as 5216 South Logan. This is contrary to Section 36-41 (9) of the Lansing Zoning Ordinance in the following particulars: Section 36-41 (9) does not allow this type of sign in "J" Parking district.

Mr. Spagnuolo stated that because of an adjacent store, the stores to the south couldn't be seen well. Therefore, an identifying sign was needed.

No one appeared in objection to this appeal.

Motion by McComb, seconded by Rendon that the appeal be granted under Section 36-12 (7) in accordance with the following conditions.

1. The area of the sign identifying the shopping center shall not exceed 32.5 square feet.
  - a. signs identifying tenants should be attached to the same poles and limited to 27.5 square feet each.
2. Total height shall not exceed 24.0 feet.
3. The sign shall not extend beyond or over the public right-of-way line.
4. The sign shall be located as shown on the plot plan submitted.
5. Illumination shall be neither flashing nor intermittent, and shall be designed so as to concentrate the illumination upon the face of the sign and prevent glare upon the street or adjacent properties.

Motion carried by the following vote:

Yea: Houck, Keep, Kelly, McComb, Rendon, Wendorf—6.

Nay: None.

The placement of a single sign to identify all commercial uses in the shopping center is in accord with City and Board policy on identification signs for shopping centers.

No. 1599

Mr. Chris Baryames appeared in behalf of his appeal to construct a building 25 ft. x 37 ft. west of existing building to the existing lot lines which will reduce the required rear yard to zero feet; a reduction of 25 feet, upon the premises known as 1404 West Mt. Hope Avenue. This is contrary to Section 36-49 (2) of the Zoning Ordinance in the following particulars: Section 36-49 (2) requires a rear yard of 25 feet.

Mr. Baryames stated that he wanted to extend the existing building 25 feet to the west and 37 feet to the north. He also said that he had two potential tenants for this property and that they had nothing to do with the dry cleaning business.

Mrs. Houck asked where the parking would be provided for potential tenants.

Mr. Baryames stated that there are three stalls on the east side of the property for parking, which would be sufficient, as there would be only one person operating either business that would take over this location.

Mr. Keep asked how many feet this addition would take.

Mr. Baryames said it would range somewhere between 750-800 sq. ft.

No one appeared in objection to this appeal.

Motion by Houck, seconded by Rendon that the appeal be denied.

Motion failed by the following vote:

Yeas: Houck, Keep, Kelly, McComb, Rendon—5.

Nays: Wendrow—1.

There must be six (6) votes to reverse any order, requirement, decision, or determination of the Building Commissioner. The appeal received only one members support.

#### No. 1484

Motion by McComb, seconded by Wendrow that the typographical error in this appeal be corrected to read as follows:

"That the appeal be granted under Section 36-12 (7) of the Lansing Zoning Code."

Motion carried unanimously.

#### No. 1505

A landscaping plan for Appeal No. 1505, as required by the Board as a condition of approval of granting the petition.

The plan was presented by Mr. Guernsey, and general discussion followed.

Motion by McComb, seconded by Kelly that the landscaping plan be accepted as submitted and an occupancy permit allowed.

Motion carried unanimously.

The Board met with Mr. Ducharme on the development of the Sablin Gravel pits under the A-1 zoning. On June 27, 1967,

the developer filed an appeal to allow removal and sale of soil not needed in preparing the land for development. Due to a misinterpretation of policy on the cut-off date for zoning appeals, the applicant was promised a July 13, 1967, hearing. This could not be done due to legal requirements on notification to adjacent property owners. The Board, because of the mix-up on the cut-off date, made a determination to hold a special meeting as soon as possible while fulfilling legal requirements on notification.

Motion by Houck, seconded by Rendon that the minutes of June 8, 1967 be approved as printed and considered read.

Motion carried by unanimous vote.

Motion by Kelly, seconded by McComb to present past members of the Board with inscribed gavels.

Motion carried unanimously.

Mr. Keep appointed a committee of three (Wendrow, McComb, Kelly) to review the Board's "Rules of Procedure."

#### ELECTION OF OFFICERS

Nominations were opened for the office of Chairman.

Motion by Wendrow, seconded by McComb that Mr. Keep be nominated.

Motion that nominations be closed and unanimous ballot cast for Mr. Keep.

Motion carried unanimously.

Nominations were opened for the office of Vice-Chairman.

Motion by Wendrow, seconded by Kelly that Mr. McComb be nominated.

Motion that the nominations be closed and unanimous ballot cast for Mr. McComb.

Motion carried unanimously.

Nominations were opened for the office of Secretary.

Motion by Houck, seconded by McComb that Mr. Guernsey be nominated.

Motion that nominations be closed and unanimous ballot cast for Mr. Guernsey.

Motion carried unanimously.

Meeting adjourned at 10:30 p.m.

RAYMOND C. GUERNSEY,  
Secretary.

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

**Proceedings, August 10, 1967**

Present: Gaus, Houck, Keep, Wendrow  
—4.

appeals held over until September 14,  
1967.

Absent: Jones, Kelly, McComb, Rendon  
—4.

Motion carried unanimously.

Due to the lack of enough Board members to constitute a quorum, Mr. Keep entertained a motion to adjourn.

Meeting adjourned at 8:01 P.M.

Motion by Gaus, seconded by Wendrow that the meeting be adjourned and the

RAYMOND C. GUERNSEY,  
Secretary.

# OFFICIAL PROCEEDINGS OF THE HUMAN RELATIONS BOARD OF THE CITY OF LANSING

**Proceedings, August 10, 1967**

Meeting was called to order by Chairman Lundberg at 4:08 p.m.

## WRITTEN COMPLAINTS

Prayer was offered by Chairman Lundberg.

1—Complaint of police brutality.

2—Complaints of discriminatory eviction.

The latter complaint received was retracted before an investigation could be made.

## ROLL CALL

Present: Cutler, Davenport, Faiver, Ford, Haruska, Kelley, Lundberg—7.

Absent: Darling, Delapaz, Dunnings, Frankel, Gannon—5.

Visitor: Mr Robert Hollingsworth, a local real estate broker.

The minutes of the June 8 1967 meeting were read and approved as printed. Due to the absence of several committee members, the July meeting was canceled at the request of Chairman Lundberg.

There were 8 petitions for the months of June, July, and August, 1967; 5 of which were informal and 3 written petitions.

## INFORMAL COMPLAINTS

1—A request for aid was made by a family who had been refused financial assistance by local services.

1—A citizen requested assistance in behalf of his wife in regard to an application she filed for employment.

1—A woman requested assistance in locating her father.

1—A request for assistance was made by a citizen in regard to an impending

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

**Special Meeting, July 28, 1967**

Meeting was called to order at 12:06 P.M. by Chairman Charles W. Keep.

## ROLL CALL

Present were: Gaus, Houck, Keep, McComb, Wendrow, Jones and Kelley—7.

Absent were: Rendon—1.

## HEARINGS

### No. 1601

Mr. Donald R. Ducharme of Sablain Gravel Company, appeared in behalf of the appeal to extract and sell sand and gravel from the premises known as 1601 East Cavanaugh Road. This is contrary to Section 36-42 of the Zoning Ordinance in the following particulars:

Property is presently zoned "A" one residential (non-conforming), and the zoning administration has ruled the use for gravel extraction has lost its non-conforming status due to more than two years non-use.

Mr. John Bowles, of 1804 Irvington Avenue, said there are enough holes on the property as it is, without digging more. He also wondered how easy gravel could be removed, since there is none on the property.

Mr. Ducharme explained that the sand and gravel were contained in the hills now on the property. He further explained that their main objective was to fill the holes and level the land, and as soon as this is accomplished, they would quit operation.

Chairman Keep asked if there were any objections to the operation of a concrete plant.

Mr. Bowles asked where the driveway would be located if the concrete plant were running. He had no objections to the concrete plant as long as the entrance would be off Cavanaugh Road.

Mr. McComb went on to explain that Mr. Ducharme only wanted the permit to ex-

tract the sand and gravel and level the land; not to have a continuing operation and not to be digging more holes.

Mr. Bowles also wondered about the volume of traffic that would be coming in and out and who would take care of the premises.

Mr. Ducharme explained that the building will be taken care of when the operation begins. He stated that there would be some sort of watchman or caretaker to guard against trespassing and vandals.

Mr. Burnest Baker, of 4110 Ruth Street, agreed with Mr. Bowles questions and reasons for not wanting the gravel pit opened.

Mr. Dave Raymer of 920 LeGrand Avenue, a representative of Central Michigan Sand and Gravel Company, approached the Board to see the plans.

Mr. Raymer asked if the fact that the railroad is so close to the property, if this mode of shipping were going to be used?

Mr. Ducharme said that they were not considering using the railroad.

Mr. Raymer asked how long the development would take.

Mr. Ducharme stated that they would need approximately one year and that his company would be taking a loss as far as actually making any money on the sale of the sand and gravel. He also stated that they were mainly interested in using just the amount they needed.

Mr. Raymer asked if Mr. Ducharme were representing his own company or someone else's?

Mr. Ducharme answered that he owned the company along with others.

Motion by Gaus, seconded by McComb, that the appeal be granted as follows:

- That only soils from the area around the cement plant be included in the permit for excavation and sale. This area is designated in a general manner on the attached site plan, and includes all

soils above the 845 ft. elevation within the graphically described area.

2. That the Irvington Street exit not be used for trucks entering or leaving the site.
3. That the exit onto Cavanaugh Road or Holmes Road (to Aurelius) be the routes used by trucks entering or leaving the site.
4. That any unpaved roads within the site be treated to minimize a dust problem to residents of the neighborhood.
5. No further work shall be done on the site without an approved plan as described in the subdivision regulations and Zoning Code, as they apply to cluster housing, which is what the applicant has stated he wishes to develop on the site. (Section 5A (8) of the Subdivision Regulations).

Mr. Guernsey explained that, in essence, the applicant would be permitted to remove the concrete batch plant and the gravel within the area specified on the map could be removed, leveled to an elevation of 845 ft. which would be 20 ft. above the water level.

Mr. Ducharme checked the maps, and Mr. Guernsey explained the conditions to him. Mr. Guernsey stated that the intent was not to prohibit any further development, but that it proceed in accord with a plan. The sale and removal of gravel from this plant site could take place, at a future date when the plan for the overall area is finalized, submitted and approved by the Board, and their grading and development could be considered according to the approved plan.

Mr. Ducharme was opposed to condition No. 5, of the resolution as it kept him from doing any digging etc. He said that there is a lot of concrete that has to be buried, but under condition No. 5 they couldn't do anything.

Mr. Keep stated that he was opposed to condition No. 5 also.

Mr. Guernsey reminded the Board that unless the matter is taken care of in an orderly way, there would be no control at all. He felt the Board should take steps to give Mr. Ducharme a certain amount of freedom, but not so much as to permit the operation of an open gravel pit. Mr. Guernsey further stated that if permission is given to go ahead and fill the holes on the property, the Board would have no way of knowing whether or not the holes were above or below the flood plain without a site plan.

Mr. Ducharme answered, that if it were their intention to create an industry on the property, they would have opened the concrete plant. They are however, only interested in filling the holes and leveling

the land. Under condition No. 5 their hands are tied. Mr. Ducharme said he felt it would be much better to go on the basis of a one year time limit and then let the Board review it at that time.

Mr. Gaus suggested that Mr. Ducharme submit a site plan showing where he plans to dig and grade.

Mr. Guernsey asked if gravel was to be removed from the entire site

Mr. Ducharme said he wanted permission to remove gravel anywhere on the site.

Mrs. Houck said that condition No. 1 would have to be changed also.

Mr. Keep stated that the intention here was to dig holes if there is gravel, and refill them with unsalable material, and sell the good material.

Mr. Guernsey agreed that it is a good idea to excavate, but that a definite plan should be drawn up so the city and the petitioner would know what is going on and could better prepare for future development.

Mr. Robbins of the Building Department asked how much of the material Mr. Ducharme planned on using and how much he planned on selling? He stated that we do not know how much he needs and that is the reason for asking for a planned approach.

Mr. Ducharme said they could use concrete to fill some of the dry holes and also the water holes, and they would use sand to finish the job. He again stated, that they could operate as a concrete plant right now, and if it weren't for technicality, they could operate as a gravel pit. That however, is not their intention. The only thing they are interested in is the concrete plant. They want to do away with it. They have no interest in doing anything with the gravel pit.

Mr. McComb suggested that the Board make the necessary adjustments to the conditions.

Mr. Gaus withdrew his previous motion to grant under conditions, and Mr. McComb withdrew his motion to second.

The Board decided that conditions 2, 3, and 4 were acceptable as presented, but conditions 1 and 5 would have to be changed or modified.

Mr. Gaus said he would like a letter of intent telling which holes the petitioner intends to fill at this time and how low a grade he is going to maintain.

It was questioned whether Mr. Ducharme be allowed to do any grading below 845 ft.

Mr. Guernsey said the flood elevation in 1947 was 833 ft. and the fill should be at least 2 ft. above that. So minimum eleva-

tion would have to be no lower than 835 ft.

Mr. Gaus explained that his intention in suggesting a one year time limit was to stop any further business on the site if it became necessary.

Mr. Ducharme said that at the present time, they couldn't build on about 65% of the land because of the flood plain. He stated that only 35% of the land could be developed right now.

Mr. Gaus asked what the elevation was on Irvington?

Mr. Ducharme said it was 843 ft. He also suggested that he would maintain a grade of 4%, or not more than four feet of drop in one hundred feet.

Mr. Bowles asked the Board how it planned to control the truck traffic and where the entrance would be? Since the drive would have to be on Cavanaugh Road, who would be responsible for the care of the road. A main objection was the dust problem.

Mr. Ducharme answered that the road would be taken care of by them and that they would have someone around to control the vandalism.

The Board felt that condition No. 5 should be changed to read "an approved grade plan."

Mr. Ducharme was asked to submit a letter of intent and an approved grade plan.

Mr. Ducharme asked what the Board meant by a grade plan?

Mr. Gaus answered that all the Board wanted was to get Mr. Ducharme's intentions in writing.

Discussion followed.

Motion by Gaus, seconded by McComb, that the appeal be granted, under Section 36-12 (7) of the Zoning Code which gives the Board authority to vary the use of land when the applicant can substantiate a hardship or practical difficulties, subject to the following conditions:

1. There shall be a one year limit on the permit to remove and sell gravel from the subject property.
2. That the Irvington Street exit not be used for trucks entering or leaving the site.
3. That the exit onto Cavanaugh Road or Holmes Road (to Aurelius) be the routes used by trucks entering or leaving the site.
4. That any unpaved roads within the site be treated to minimize a dust problem to residents of the neighborhood.
5. That you furnish the Board with a letter of intent, stating:
  - a) Your intent to develop under the "A" one residential zoning.
  - b) That all diggings will be filled to the 835 ft. elevations.
  - c) That you will maintain a maximum grade of 4% on the site.

Motion carried unanimously.

Meeting adjourned at 1:10 P.M.

RAYMOND C. GUERNSEY,  
Secretary.

C/M

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

**Proceedings, September 14, 1967**

The meeting was called to order at 7:35 P.M. by Chairman Charles W. Keep.

## **ROLL CALL**

Present: Houck, Keep, Kelly, McComb, Rendon, Wendrow, Gaus, Jones—8.

Absent: None.

## **HEARINGS**

### No. 1600

No one appeared in behalf of the appeal, to enclose existing front porch with glass. This will reduce the required front yard from 32 ft. 11 in. to 27 ft. 2 in., a reduction of 5 ft. 9 in., upon the premises known as 1116 Plat Street. This is contrary to Section 36-47 (4) of the Zoning Ordinance in the following particulars: Section 36-47 (4) requires a front yard of 32 ft. 11 in. so established by 40% of developed frontage.

Field inspection reveals that many of the dwellings in the vicinity have large open front porches some which have been enclosed and become an integral part of the structure, creating an irregular set back.

Motion by Gaus, seconded by Jones that the appeal be granted under Section 36-12 (6) of the Code, the Board does not believe the variation will seriously affect the adjoining property, nor the general welfare.

Motion carried by the following vote:

Yea: Eight.

Nay: Zero.

### No. 1602

Mrs. Thomas Taylor appeared in behalf of her appeal to enclose front porch with glass which will reduce the required front yard from 16 ft. 3 in. to 7 ft. 6 in., a reduction of 8 ft. 9 in., upon the premises

known as 613 North Foster. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars: Section 36-44 (4) requires a front yard of 16 ft. 3 in. so established by 40% of developed frontage.

Mrs. Taylor stated she had nothing to add to the appeal.

Field inspection reveals that many of the dwellings in the vicinity have large open front porches some which have been enclosed and become an integral part of the structure, creating an irregular set back.

Motion by Jones, seconded by Wendrow that the appeal be granted under Section 36-12 (6) of the Code. The Board does not believe the variation will seriously affect the adjoining property, nor the general welfare.

Motion carried by the following vote:

Yea: Eight.

Nay: Zero.

### No. 1603

No one appeared in behalf of the appeal to permit existing sign in "J" Parking area, upon the premises known as 3100 East Saginaw. This is contrary to Section 36-41 (9) of the Zoning Ordinance in the following particulars: Section 36-41 (9) does not allow this type of sign in "J" Parking area.

Motion by Gaus, seconded by Houck that the appeal be granted under Section 36-12 (7) of the Zoning Code. The Board believes that the variation is in harmony with the general intent of the Code, and that the surrounding property will not be seriously affected.

Motion carried by the following vote:

Yea: Eight.

Nay: Zero.

## No. 1604

Duane Cross was present in behalf of the appeal to enclose existing front porch with glass and enclose new porch above carport with glass, upon the premises known as 411 Filley Street. This being contrary to Section 36-44 (4) and 36-44 (3) of the Zoning Ordinance in the following particulars. Section 36-44 (4) requires a front yard of 21 ft. 5 in. so established by 40% of developed frontage. This enclosure will reduce the required front yard to 16 ft. 9 in. a reduction of 4 ft. 8 in. Section 36-44 (3) requires a side yard of 10% of width of lot, but not less than 5 ft. This enclosure will reduce the required side yard to 3 ft. A reduction of 2 ft.

Mr. Duane Cross stated that he had an unusual size lot of 41 ft. Neighboring lots were 39 ft. wide and were 3 ft. from the line. His lot was 41 ft. wide, only one foot over the limit and he had to stay 5 ft. from the line. He also stated that the enclosed porches would not be a financial gain to him but a conviniance to the family since the house faces North and in the evenings the sun shines very brightly, the enclosed porch over the carport will make for more pleasant evenings, since it will receive the east, away from the sun, and receive the breeze.

Motion by Gaus, seconded by Jones that the appeal be granted under Section 36-12 (6) of the Zoning Code. The Board found that based on testimony and evidence, that the variation would not seriously affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yea: Eight.

Nay: Zero.

## No. 1605

Lee Halstead was present in behalf of the appeal to permit existing dwelling to remain within 27 ft. of rear property line, which will reduce required rear yard by 3 ft., upon the premises known as 6050 Keyes Road. This is contrary to Section 36-44 (2) of the Zoning Ordinance in the following particulars: Section 36-44 (2) requires a rear yard of 30 feet.

Mr. Lee Halstead apologized for the mistake of building a house too large for the size of lot, but was under the impression that the lot was 81 feet deep then discovered it is only 78 ft. The discovery was made after the house was under construction.

Mrs. Edward Panasiewicz was present, owner of neighboring property, she did not object to the home being 27 ft. of rear property line.

Motion was made by Houck, seconded by McComb that the appeal be granted under Section 36-12 (6) of the Zoning Ordinance.

The Board found that based on testimony and evidence that the variation would not seriously affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yea: Eight.

Nay: Zero.

## No. 1607

Mr. Lupe Inosencio, Sr. was present in behalf of the appeal to enclose existing front porch with glass which will reduce the required front yard from 23 ft. to 14 ft. 10 in. a reduction of 8 ft. 2 in., a 23 ft. required front yard so established by 40% of developed frontage, upon the premises known as 1212 Otto Street, Lansing, Michigan. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars: Section 36-44 (4) requires a front yard of 23 ft. so established by 40% of the developed frontage.

Mr. Lupe Inosencio stressed the convenience of the enclosed porch in the winter time. The mail would not get wet and snow, mud and water would not get tracked into the house with the enclosed porch.

Motion by Gaus, seconded by McComb that the appeal be granted under Section 36-12 (7) of the Zoning Code. The Board does not believe that this variation will seriously affect the adjoining property or the general welfare.

Motion carried by the following vote:

Yea: Eight.

Nay: Zero.

## No. 1608

Mr. Larry Streelman was present on behalf of his appeal to erect a 21½ ft. x 24 ft. garage which would set closer to the north property line than the 10% of front footage as specified in the Lansing Zoning Ordinance, upon the premises known as 2211 Darby Drive, Lansing, Michigan. This is contrary to Section 36-44 (3) of the Zoning Ordinance in the following particulars: Section 36-44 (3) requires a side yard of 10% width of lot. The back side of garage will be 3 ft. from property line a reduction of approximately 7 in.

Mr. Larry Streelman stated that all the other homes in the immediate area have attached garages and his home would fit in with the neighboring architecture with

an attached garage of even greater importance is the desired need for this size garage because of Mr. Streelman's size, he is 6 ft. 3 in. tall and weighs 265 lbs. He needs the room to get in and out of the car without hitting the wall or car door.

Motion by McComb, supported by Gaus that the appeal be granted under Section 36-12 (6) of the Zoning Ordinance.

Motion carried by the following vote:

Yea: Eight.

Nay: Zero.

#### No. 1609

Mr. Lyndon Hicks was present on behalf of his appeal to remove an existing 12 ft. x 20 ft. attached garage, and replace with a new 16 ft. x 21 ft. attached garage, upon the premises known as 733 N. Pine Street. This request is contrary to Sections 36-45 (2), 36-45 (4), and 36-54 (2) (E) of the Zoning Ordinance. Section 36-45 (2) requires a rear yard of not less than 25 ft. the proposed structure will leave 7 ft. 2 in. Section 36-45 (4) requires a 15 ft. 6 in. established front yard. The proposed structure would occupy more than 30% of the required rear yard.

Mr. Lyndon Hicks stated that the tree on east side of drive presented a problem to get into the two small garage. Also the garage has a deterioration of cement block and roof.

Motion by Houck, supported by Gaus that the appeal be granted under Section 36-12 (7) of the Zoning Ordinance the Board found that based on testimony and evidence, the variation would not seriously affect any of the adjoining property or the general welfare.

Motion carried by the following vote:

Yea: Eight.

Nay: Zero.

#### No. 1610

No one appeared in behalf of appeal to build an attached garage with front of

garage even with the existing covered porch, upon the premises known as 4912 Southgate Street, Lansing, Michigan. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars: Section 36-44 (4) requires a front yard of 30 ft. 5 in. from walk so established by 40% of developed frontage. This will reduce the required front yard to 27 ft. 6 in. a reduction of 2 ft. 11 in.

Motion by Jones, supported by McComb that the appeal be granted under Section 36-12 (6) of the Zoning Ordinance. The Board does not believe the variation will seriously affect any adjoining property or the general welfare, and is in keeping with the general intent of the Zoning Code.

Yea: Eight.

Nay: Zero.

Motion by Gaus, seconded by Houck that the minutes of July 18, 1967 be approved as is.

Motion carried by unanimous vote.

Motion by Gaus, seconded by McComb that the minutes of July 28, 1967 be approved as is.

Motion carried by unanimous vote.

Motion by Houck, seconded by McComb that the minutes of August 10, 1967 be approved as is.

Motion carried by unanimous vote.

Motion to adjourn by Gaus, seconded by McComb.

Motion carried by unanimous vote.

Adjourned at 8:15 P.M.

RAYMOND C. GUERNSEY,  
Secretary.

N/M

# OFFICIAL PROCEEDINGS OF THE PLUMBING BOARD OF THE CITY OF LANSING

**Proceedings, November 9, 1967**

Meeting was called to order at 7:30 p.m. by Chairman, George Wyllie.

Members present: William Miles, George Denfield, George Wyllie, Ralph Gunthrope, John Brady, G. J. Turney, and Larry Kain —7.

Inspectors: Leo Fox and Arnold Dell —2.

Members Absent: Councilman May—1.

Minutes of the last meeting were approved as read.

A letter to all the master plumbers, drain layers, and sewer cleaners was mailed out October 13, regarding Section 25-7 Advertising, Conditions Thereof.

The board discussed the possibility of correcting some of the items listed in the yellow pages of the telephone directory

regarding some of the ads listed under plumbing is misleading to the public.

Mr. David C. Wood and Gerry D Kesler were granted a drain layers' license after completing a satisfactory written examination.

Motion by George Denfield seconded by William Miles, that the next meeting be held on January 11, 1968.

Motion carried.

Meeting adjourned at 8:40 p.m.

Respectfully submitted,

G. J. TURNERY,  
Secretary.

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

**Special Meeting, October 18, 1967**

The meeting was called to order at 7:34 P.M. by Chairman Charles W. Keep.

Present: Houck, Keep, Kelly, McComb, Rendon, Wendrow, Jones—7.

Absent: Gaus—1.

## HEARINGS

No. 1611

Mr. Peter Caruso and Mr. Thomas Murphy were present on behalf of the appeal to erect a small Candy Store to the West

property line which will reduce the required front yard from 8 ft. to zero ft. Upon the premises known as 1700 E. Michigan Ave. This is contrary to Section 36-50 (4) of the Zoning Ordinance in the following particulars: Section 36-50 (4) requires no front yard in "F-1" district unless 40% of frontage is developed (set back on Shepard Street does establish an 8 ft. setback).

Mr. Thomas Murphy approached the Board and presented them with sketches

of the property in question and there was discussion of the need to build to the property line.

Motion by McComb, seconded by Wendrow that the appeal be granted under Section 36-12 (6) of the Zoning Code. The Board found based on testimony and evidence that the variation would not seriously affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yeas: Six.

Nays: One.

#### No. 1612

Mrs. Gilliam appeared on behalf of her appeal to enclose existing front porch with glass which will reduce the required front yard to 15 ft. A reduction of 5 ft. 8 in. Upon the premises known as 410 Clifford St. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars: Section 36-44 (4) requires a front yard of 20 ft. 8 in. so established by 40% of developed frontage.

Mrs. Gilliam stated she had nothing to add to the appeal. Mrs. Mabel Houck inquired if she planned extending heat ducts to the enclosed porch, Mrs. Gilliam stated that she did not.

Motion by Houck, seconded by McComb that the appeal be granted under Section 36-12 (6) of the Zoning Code. Subject to the following:

- 1) That adequate footings, and all other requirements as determined by the Building Inspector be complied with.
- 2) That the enclosure be used only as protection for the main structure, and not converted into permanent living quarters.

Field inspection reveals that many of the dwellings in the vicinity have large open front porches, some of which have been enclosed and become an integral part of the structure. The Board believes, that due to past development property owners wishing to enclose front porches in the vicinity are confronted with an unusual practical difficulty.

The Board found based on testimony and evidence that the variation would not seriously affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yeas: Seven.

Nays: Zero.

#### No. 1613

Appeal was tabled until November 9, 1967 upon request of applicant.

#### No. 1614

No one appeared on behalf of this appeal to convert one family dwelling to two family use on lot which has 3519 sq. ft. a variance of 481 sq. ft. Upon the premises known as 123 Isbell. This is contrary to Section 36-45 (5) of the Zoning Ordinance in the following particulars: Section 36-45 (5) requires a lot area of 2000 sq. ft. per family or a total of 4000 sq. ft. for two family use.

Motion by Jones, supported by Kelly that the appeal be denied, the findings do not reveal a hardship as required under Section 36-12 (7) of the Zoning Ordinance. The Board found that the variation would be contrary to the general intent of the Zoning Code.

Motion carried by the following vote:

Yeas: Houck, Jones, Keep, Kelly, McComb, Rendon, Wendrow—7.

Nays: None.

#### No. 1615

No one appeared in behalf of the appeal to erect service bay to existing station which will project into the required rear yard 8 ft. 8 in. This will leave a rear yard of 16 ft. 4 in. Upon the premises known as 5100 S. Logan Street. This is contrary to Section 36-49 (2) of the Zoning Ordinance in the following particulars: Section 36-49 (2) requires a rear yard of not less than 25 feet.

Motion by Wendrow, supported by Rendon that the appeal be granted under Section 36-12 (6) of the Zoning Ordinance, subject to the removal of the Barber Shop Building.

The Board found, based on testimony and evidence that the irregular shaped lot imposed an unusual practical difficulty with development as proposed, and further the variation would not seriously affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yeas: Seven.

Nays: Zero.

#### No. 1616

No one appeared on behalf of the appeal to enclose existing front porch with glass which will reduce the required front yard 23 ft. 2½ in. to 14 ft. 8 in. A reduction of 8 ft. 6½ in. Upon the premises known as 616 N. Clemens Street. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars: Section 36-44 (4) requires a front yard of 23 ft. 2½ in. so established by 40% of developed frontage.

Motion by Houck, supported by McComb that the appeal be granted under Section 36-12 (6) of the Zoning Code. Subject to the following.

- 1) That adequate footings, and all other building requirements as determined by the Building Inspector be complied with.
- 2) That the enclosure be used only as protection for the main structure and not converted into permanent living quarters.

The Board found based on testimony and evidence that many of the dwellings in the vicinity were constructed with large open front porches, some which have been enclosed and made an integral part of the main structure. Due to previous alterations of existing dwellings in the vicinity which has created an irregular front yard set-back. The Board believes that property owners wishing to enclose their front porches are faced with a practical difficulty and that strict application of the Code, in this case would be unreasonable.

The Board does not believe the variation will seriously affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yea: Seven.

Nays: Zero.

Gaus arrived at 8:20 P.M.

Motion by Kelly, supported by McComb that the minutes of September 14, 1967 be approved.

Motion carried by unanimous vote.

Chairman Keep appointed Wendell McComb and Albin Wendrow to recommend arrangements for the Christmas party to be held in December.

Mrs. Mabel Houck announced she would not be able to attend the November 9, 1967 Board of Appeals meeting.

Motion by Jones, supported by McComb to adjourn.

Motion carried by unanimous vote.

Adjourn at 8:30 P.M.

**RAYMOND C. GUERNSEY,**  
Secretary.

## OFFICIAL PROCEEDINGS OF THE PLANNING BOARD OF THE CITY OF LANSING

**Proceedings, August 15, 1967**

Meeting called to order at 7:42 P.M. by Vice Chairman Kenneth Black.

Present: Black, Duncan, Fink, and Heino—4.

Absent: Bretz, Gaus, Reynolds and Siebert—4.

matter be adjourned by the Board until their next regular meeting pending interim developments.

In view of this opinion, the public hearing on S-11-67P was referred to a later date.

Mrs. Bretz and Mr. Reynolds arrived at 7:50 P.M.

Mrs. Bretz assumed the chair.

SS-17-67 and SS-18-67

Amendments to the Zoning Code "D" District and "D-1" District

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

**Special Meeting, October 18, 1967**

The meeting was called to order at 7:34 P.M. by Chairman Charles W. Keep.

Present: Houck, Keep, Kelly, McComb, Rendon, Wendrow, Jones—7.

Absent: Gaus—1.

## HEARINGS

No. 1611

Mr. Peter Caruso and Mr. Thomas Murphy were present on behalf of the appeal to erect a small Candy Store to the West property line which will reduce the required front yard from 8 ft. to zero ft. Upon the premises known as 1700 E. Michigan Ave. This is contrary to Section 36-50 (4) of the Zoning Ordinance in the following particulars: Section 36-50 (4) requires no front yard in "F-1" district unless 40% of frontage is developed (set back on Shepard Street does establish an 8 ft. setback).

Mr. Thomas Murphy approached the Board and presented them with sketches of the property in question and there was discussion of the need to build to the property line.

Motion by McComb, seconded by Wendrow that the appeal be granted under Section 36-12 (6) of the Zoning Code. The Board found based on testimony and evidence that the variation would not seriously affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yea: Six.

Nay: One.

No. 1612

Mrs. Gilliam appeared on behalf of her appeal to enclose existing front porch with glass which will reduce the required front yard to 15 ft. A reduction of 5 ft. 8 in. Upon the premises known as 410 Clifford St. This is contrary to Section 36-44 (4)

of the Zoning Ordinance in the following particulars: Section 36-44 (4) requires a front yard of 20 ft. 8 in. so established by 40% of developed frontage.

Mrs. Gilliam stated she had nothing to add to the appeal. Mrs. Mabel Houck inquired if she planned extending heat ducts to the enclosed porch, Mrs. Gilliam stated that she did not.

Motion by Houck, seconded by McComb that the appeal be granted under Section 36-12 (6) of the Zoning Code. Subject to the following:

- 1) That adequate footings, and all other requirements as determined by the Building Inspector be complied with.
- 2) That the enclosure be used only as protection for the main structure, and not converted into permanent living quarters.

Field inspection reveals that many of the dwellings in the vicinity have large open front porches, some of which have been enclosed and become an integral part of the structure. The Board believes, that due to past development property owners wishing to enclose front porches in the vicinity are confronted with an unusual practical difficulty.

The Board found based on testimony and evidence that the variation would not seriously affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yea: Seven.

Nay: Zero.

No. 1613

Appeal was tabled until November 9, 1967 upon request of applicant.

No. 1614

No one appeared on behalf of this appeal to convert one family dwelling to two fam-

ily use on lot which has 3519 sq. ft. a variance of 481 sq. ft. Upon the premises known as 123 Isbell. This is contrary to Section 36-45 (5) of the Zoning Ordinance in the following particulars: Section 36-45 (5) requires a lot area of 2000 sq. ft. per family or a total of 4000 sq. ft. for two family use.

Motion by Jones, supported by Kelly that the appeal be denied, the findings do not reveal a hardship as required under Section 36-12 (7) of the Zoning Ordinance. The Board found that the variation would be contrary to the general intent of the Zoning Code.

Motion carried by the following vote:

Yea: Houck, Jones, Keep, Kelly, McComb, Rendon, Wendrow—7.

Nays: None.

#### No. 1615

No one appeared in behalf of the appeal to erect service bay to existing station which will project into the required rear yard 8 ft. 8 in. This will leave a rear yard of 16 ft. 4 in. Upon the premises known as 5100 S. Logan Street. This is contrary to Section 36-49 (2) of the Zoning Ordinance in the following particulars: Section 36-49 (2) requires a rear yard of not less than 25 feet.

Motion by Wendrow, supported Rendon that the appeal be granted under Section 36-12 (6) of the Zoning Ordinance, subject to the removal of the Barber Shop Building.

The Board found, based on testimony and evidence that the irregular shaped lot imposed an unusual practical difficulty with development as proposed, and further the variation would not seriously affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yea: Seven.

Nays: Zero.

#### No. 1616

No one appeared on behalf of the appeal to enclose existing front porch with glass which will reduce the required front yard 23 ft. 2½ in. to 14 ft. 8 in. A reduction of 8 ft. 6½ in. Upon the premises known as 616 N. Clemens Street. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars: Section 36-44 (4) requires a front yard of 23 ft. 2½ in. so established by 40% of developed frontage.

Motion by Houck, supported by McComb that the appeal be granted under Section 36-12 (6) of the Zoning Code. Subject to the following.

- 1) That adequate footings, and all other building requirements as determined by the Building Inspector be complied with.
- 2) That the enclosure be used only as protection for the main structure and not converted into permanent living quarters.

The Board found based on testimony and evidence that many of the dwellings in the vicinity were constructed with large open front porches, some which have been enclosed and made an integral part of the main structure. Due to previous alterations of existing dwellings in the vicinity which has created an irregular front yard set-back. The Board believes that property owners wishing to enclose their front porches are faced with a practical difficulty and that strict application of the Code, in this case would be unreasonable.

The Board does not believe the variation will seriously affect any adjoining property or the general welfare.

Motion carried by the following vote:

Yea: Seven.

Nays: Zero.

Gaus arrived at 8:20 P.M.

Motion by Kelly, supported by McComb that the minutes of September 14, 1967 be approved.

Motion carried by unanimous vote.

Chairman Keep appointed Wendell McComb and Albion Wendrow to recommend arrangements for Christmas party to be held in December.

Mrs. Mabel Houck announced she would not be able to attend the November 9, 1967 Board of Appeals meeting.

Motion by Jones, supported by McComb to adjourn.

Motion carried by unanimous vote.

Adjourn at 8:30 P.M.

RAYMOND C. GUERNSEY,  
Secretary.

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

**Proceedings, November 9, 1967**

The meeting was called to order at 7:40 p.m. by Vice-Chairman Wendell McComb.

Present: Kelly, McComb, Rendon, Jones, Gaus—5.

Absent: Wendrow, Houck, Keep—3.

## HEARINGS

No. 1613

Mr. John J. Dood, Attorney representing the appeal to continue maintenance and use of buildings and area for ware-housing and related handling of materials, upon the premises known as 5820 South Pennsylvania Avenue, was present. This request is contrary to Section 36-41(4) of the Zoning Ordinance in the following particulars: Section 36-41(4) prohibits any use other than vehicle parking.

Mr. John J. Dood asked that this appeal be tabled until the regular meeting of December 14, 1967.

The request was approved by the Board.

No. 1617

Mr. Gilbert S. Jones was present on behalf of his appeal to erect an enclosed front porch, which will reduce the required front yard from 25' 8" to 19' 5". A reduction of 6' 3", upon the premises known as 418 Regent Street. This is contrary to Section 36-44(4) of the Zoning Ordinance in the following particulars: Section 36-44(4) requires a front yard of 25' 8" so established by 40% of the developed frontage.

Mr. Jones approached the Board and presented a sketch of the future front porch. He expressed the need for a quick decision on behalf of the Board because of the bad weather and the need to lay cement foundations.

Field inspection reveals that many of the dwellings in the vicinity have been constructed with large open front porches, some of which have been enclosed, and made an integral part of the structure.

The property under consideration is located between two of these structures, and the existing structure is actually set-back

beyond the Code requirements, which is 20 feet.

The Board believes, that due to past development within this block, the property owner wishing to erect an enclosed front porch as proposed is faced with an unusual practical difficulty.

Based on testimony and evidence the Board does not believe the variation will seriously affect any adjoining property or the general welfare, and will be in keeping with the general intent of the Zoning Code.

Motion by Gaus, seconded by Jones that the appeal be granted under Section 36-12(6) of the Zoning Code. Subject to the following:

1. That adequate footings, and all other requirements as determined by the Building Inspector be complied with.
2. That the enclosure be used only as protection for the main structure, and not converted into permanent living quarters.

Motion carried by the following vote:

Yea: Five.

Nay: None.

No. 1618

No one appeared on behalf of this appeal to enclose an existing front porch with glass windows, which will reduce the required front yard from 26' 6" to 18' 10", a reduction of 7' 8", upon the premises known as 3712 Lowcroft Street. This is contrary to Section 36-44(4) of the Zoning Ordinance in the following particulars: Section 36-44(4) requires a front yard of 26' 6" so established by 40% of the developed frontage.

Motion by Jones, supported by Kelly to table this appeal until December 14, 1967.

Motion carried by the following vote:

Yea: 5.

Nay: None.

## No. 1619

Mr. Elmer Miller appeared on behalf of this appeal to enclose an existing front porch with glass which will reduce the required front to 16' 6". A reduction of 7' 4", upon the premises known as 625 N. Fairview. This is contrary to Section 36-44(4) of the Zoning Ordinance in the following particulars: Section 36-44(4) requires a front yard of 23' 0", so established by 40% of the developed frontage.

Mr. Miller stated that it was too much for him to keep snow off the porch and lug furniture to the basement at his age.

Field inspection reveals that many of the dwellings in the vicinity have large open front porches, some of which have been enclosed and become an integral part of the structure. The Board believes that due to past development, property owners wishing to enclose front porches in the vicinity are confronted with an unusual practical difficulty.

Based on testimony and evidence the Board does not believe the variation will seriously affect any adjoining property or the general welfare, and will be in keeping with the general intent of the Zoning Code.

Motion by Gaus, supported by Jones that the appeal be granted under Section 36-12(6) of the Zoning Code, subject to following:

1. That adequate footings, and all other requirements as determined by the Building Inspector be complied with.
2. That the enclosure be used only as protection for the main structure, and not converted into permanent living quarters.

Motion carried by the following vote:

Yea: Five.

Nays: None.

## No. 1620

No one appeared on behalf of this appeal to enclose an existing front porch with glass which will reduce the required front yard from 30 ft. 8 in. to 24 ft. 3 in. A reduction 6 ft. 5 in., upon the premises known as 1526 Bailey Street. This is contrary to Section 36-44 (4) of the Zoning Ordinance which requires a front yard of 30 ft. 8 in. so established by 40% of the developed frontage.

Field inspection reveals that many of the dwellings in the vicinity have large open front porches. Some of which have been enclosed and become an integral part of the structure. The Board believes, that due to past development, property owners wishing to enclose front porches in the vicinity are confronted with an unusual practical difficulty.

The Board does not believe the variation will seriously affect any adjoining property or the general welfare, and will be in keep-

ing with the general intent of the Zoning Code.

Motion by Gaus, supported by Jones that the appeal be granted under Section 36-12 (6) of the Zoning Code, subject to the following:

1. That adequate footings, and all other requirements as determined by the Building Inspector be complied with.
2. That the enclosure be used only as protection for the main structure, and not converted into permanent living quarters.

Motion carried by the following vote:

Yea: Five.

Nays: None.

## No. 1572

No one appeared on behalf of United Church Manors, the holder of an option on land presently occupied by the Lansing Roosevelt Hotel Co., requesting an additional six months extension of time in which to apply for a Building permit.

Motion by Gaus, supported by Jones that the request be granted.

Motion carried the following vote:

Yea: Five.

Nays: None.

## No. 1581

No one appeared on behalf of Bank of Lansing requesting three months extension in which to apply for the Building permit to construct the permanent building near the intersection of Jolly Road and Cedar Street.

Motion by Gaus, supported by Jones that the request be granted.

Motion carried by the following vote:

Yea: Five.

Nays: None.

Motion by Gaus, supported by Jones that the minutes of the Special Meeting of October 18, 1967 be approved.

Motion carried by unanimous vote.

Motion by Gaus, supported by Jones to adjourn at 8:15 P.M.

Motion carried unanimous vote.

Adjourn 8:15 P.M.

RAYMOND C. GUERNSEY.

# OFFICIAL PROCEEDINGS OF THE BOARD OF APPEALS OF THE CITY OF LANSING

**Proceedings, December 14, 1967**

The meeting was called to order at 7:38 P.M. by Chairman Charles Keep.

Present: Kelly, McComb, Rendon, Gaus, Houck, Wendrow—6.

Absent: Jones—1.

No. 1613

Mr. John J. Dood, Attorney representing the appeal to continue maintenance and use of buildings and area for warehousing and related handling of materials, upon the premises known as 5320 South Pennsylvania Avenue, was present. This request is contrary to Section 36-41 (4) of the Zoning Ordinance in the following particulars: Section 36-4 (4) prohibits any use other than vehicle parking.

Mr. John Dood asked that the appeal be tabled until January 11, 1968 so that he could present additional information.

Motion by Kelly, supported by McComb that the appeal be tabled upon the request of the petitioner.

Motion carried following vote.

Yea: 6.

Nay: None.

No. 1618

Mrs. Francis DeVries appeared on behalf of her appeal to enclose an existing front porch with glass windows, which will reduce the required front yard from 26 ft. 6 in. to 18 ft. 10 in. A reduction of 7 ft. 8 in., upon the premises known as 3712 Lowcroft Street. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars: Section 36-44 (4) requires a front yard of 26 ft. 6 in. as established by 40% of the developed frontage.

Based on testimony and evidence the Board does not believe the variation will seriously affect any adjoining property or the general welfare and will be in keeping with the general intent of the Zoning Code.

Motion by Gaus, supported by Houck to grant the appeal under Section 36-12 (6) of the Zoning Code.

Motion carried the following vote.

Yea: 6.

Nay: None.

No. 1621

Mrs. Christine W. Murray was present on behalf of her appeal to convert the use of the homes for room and board for mentally retarded females, the number ranging from 4 to 10, upon the premises known as 1200-1204 W. Ottawa Street. This is contrary to Section 36-19 of the Zoning Ordinance (B-1 family district) does not permit boarding and lodging houses.

Mr. James Starr, attorney representing the applicant explained the reason for not filing a rezoning application, the sewage lay out in the area was not suitable to rezone to a Multiple dwelling district. Many homes in the area have been converted to two-family dwelling and the variance in this appeal would not disturb the pattern of the area.

Mrs. Houck asked if this home came under State Regulation such as a Nursing Home.

Lenore Kroman, Director of the Regional Consultation Center, stated that it came under the direction of State Mental Health not under State Health such as the Nursing Homes. She further explained that this home would be like a halfway house for young women who were born mentally retarded and have spent many years in an institution, but have long since out-grown the use of the institution and need something more. This home would meet this requirement and help in adjusting to life outside of the institution. These young women will be working in rehabilitation centers.

Wendell McComb asked if there would be any remodeling done in these homes.

Lenore Kroman stated that Fire Marshall Albers had already investigated the home and has indicated the home meets the requirements of the fire department and building department.

Edward Maron 1203 W. Ottawa stated that he has a two-family home and so do both neighbors on either side of him. This appeal, if granted would be a rental hazard to them.

James Bolthouse, 1133 W. Ottawa asked the age group of these girls and why they couldn't go to their immediate families instead of to a home of this nature.

Lenore Kroman stated that they were between the ages of 18 and 30 years and

most of them did not have families to go to.

Thomas Davenport, 1212 W. Ottawa Ave. Objected.

Mrs. Davenport, 1212 W. Ottawa Ave., Objected.

Property Owner at 1220 W. Ottawa Ave., Objected.

Robert Peters, 1125 W. Ottawa Ave., Objected.

Joyce Jones, 114 Lahoma St., Objected.

Lenore Kroman stated that the girls were not wayward girls and not criminally insane they were very well screened before they left the institution. They were grouped together because they could help each other. They will all be working in some rehabilitation center at first, then when they are able they will be hired at a hospital housekeeping staff or a motel housekeeping department. Each girl will have a social worker assigned to her.

The jurisdiction of the Board of Appeals was questioned by the Board members.

Mr. Kelly asked the attorney, Mr. Starr, to present a brief for the next meeting regarding the jurisdiction of the Board of Appeals.

Motion by Gaus, supported by McComb to table this appeal and have attorney James Starr present a brief 10 days before the January meeting.

Motion carried the following vote.

Unanimous vote.

#### No. 1622

Charles Brian from Wickes Lumber and Building Supply Center was present on behalf of Mr. William Wah appeal to construct a 22 ft. x 24 ft. 6 in. attached garage which will occupy more than 30% of the required rear yard, upon the premises known as 2423 Creston Place. This is contrary Section 36-54 (2) of the Zoning Ordinance, which prohibits accessory buildings from occupying more than 30% of the required rear yard.

Based on testimony and evidence the Board found that the variation would not seriously affect any adjoining property or the general welfare and will be in keeping with the general intent of the Zoning Code.

Motion by Wendrow, supported by McComb to grant the appeal under Section 36-12 (6) of the Zoning Code.

Motion carried the following vote:

Yea: 5.

Nays: Gaus.

#### No. 1623

Mrs. Roszena Johnson was present on behalf of her appeal to enclose a new front porch with glass which will reduce the required front yard from 19 ft. 4 in. to 13 ft. a reduction of 6 ft. 4 in. Upon the premises known as 626 N. Foster. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars: Section 36-44 (4) requires a front

yard of 19 ft. 4 in. so established by 40% of the developed frontage.

Mr. Keep asked if she planned to put heat ducts in the new enclosed front porch.

Mrs. Johnson stated that she did not.

Motion by Kelly, supported by Houck to grant the appeal under Section 36-12 (6) of the Zoning Code, subject to the following:

1. That adequate footings, and all other requirements as determined by the building inspector be complied with.
2. That the enclosure be used only as protection for the main structure and not converted into permanent living quarters.

Field inspection reveals that many of the dwellings in the vicinity have large open front porches, some of which have been enclosed and become an integral part of the structure. The Board believes that due to past development, property owners wishing to enclose front porches in the vicinity are confronted with an unusual practical difficulty.

Based on testimony and evidence the Board does not believe the variation will seriously affect any adjoining property or the general welfare, and will be in keeping with the general intent of the Zoning Code.

Motion carried the following vote.

Yea: 6.

Nays: None.

#### No. 1624

Mr. Charles Kent was present on behalf of his appeal to enclose an existing front porch with glass which will reduce the required front yard from 22 ft. 2 in. to 18 ft. 5 in. A reduction of 3 ft. 9 in. upon the premises known as 307 N. Hayford Ave. This is contrary to Section 36-44 (4) of the Zoning Ordinance in the following particulars: Section 36-44 (4) requires a front yard of 22 ft. 2 in. so established by 40% of the developed frontage.

Motion by Houck, supported by McComb to grant the appeal under Section 36-12 (6) of the Zoning Code, subject to the following.

1. That adequate footings, and all other requirements as determined by the building inspector be complied with.
2. That the enclosure be used only as protection for the main structure, and not converted into permanent living quarters.

Field inspection reveals that many of the dwellings in the vicinity have large open front porches. Some of which have been enclosed and become an integral part of the structure. The Board believes that due to past development, property owners wishing to enclose front porches in the vicinity are confronted with an unusual practical difficulty.

The Board does not believe the variation will seriously affect any adjoining property or the general welfare, and will be in keep-

ing with the general intent of the Zoning Code.

Motion carried the following vote:

Yeas: 6.

Nays: None.

No. 1625

Mr. Adolfo Orlando was present on behalf of this appeal to enclose a car-port which will reduce the required side yard from 6 ft. to 4 ft. a reduction of 2 ft. Upon the premises known as 2104 W. Miller Rd. This is contrary to Section 36-44 (3) of the Zoning Ordinance in the following particulars: Section 36-44 (3) requires a side yard of 10% of the width of Lot or 6 ft. as Lot is 60 ft. wide.

Based on testimony and evidence the Board found the variation would not seriously affect any adjoining property or the general welfare and would be in keeping with the general intent of the Zoning Code.

Motion by Kelly, supported by Wendrow to grant this appeal under Section 36-12 (6) of the Zoning Code.

Motion carried the following vote:

Yeas: 6.

Nays: None.

No. 1626

Mr. and Mrs. Leverett were present on behalf of their appeal to reconstruct a room attached to the existing garage which will reduce the required side yard from 7.5 ft. to 2 ft. This is contrary to Section 36-44 (3) of the Zoning Ordinance in the following particulars; Section 36-44 (3) requires a side yard of 10% of the width of the Lot or 7.5 ft.

Mrs. Leverett presented the Board with pictures of the room which had been damaged by the snow storm last winter, and the reason why they wanted to rebuild it. She explained that all they wanted to do was replace what they had before.

Motion by Gaus, supported Rendon to grant the appeal under Section 36-12 (6) of the Zoning Code.

The Board found that based on testimony and evidence that, the proposed addition is at the rear of the home, and would not be in conflict with the ordinance if it were not connected to the existing garage. Due to the existing development on the Lot and the location of the proposed addition. The Board does not believe the variation will seriously affect any adjoining property or the general welfare, and will be in keeping with the general intent of the Zoning Code.

Motion carried the following vote:

Yeas: 6.

Nays: None.

No. 1627

Dr. Marvin Logue and his attorney,

George Hutter, were present on behalf of this appeal to erect a new building 20 ft. from the front property line, which will reduce the required front yard set-back from 29 ft. 7 in. to 20 ft., a reduction of 9 ft. 7 in., upon the premises known as 606 W. Shiawassee. This is contrary to Section 36-47 (4) of the Zoning Ordinance in the following particulars: Section 36-47 (4) requires a front yard of 29 ft. 7 in. so established by 40% of the developed frontage.

Property owner at 409 N. Sycamore approved of this variance.

Property owner at 424 N. Sycamore approved of this variance.

Motion by Houck, supported by Kelly that the appeal be granted under Section 36-12 (6) of the Zoning Code.

The Board found that based on testimony and evidence that; the existing building set-back within the area under consideration is extremely irregular. There are no two buildings with the same front yard set-back, and only two out of the remaining development establish the 29 ft. 7 in. set-back. The Board believes that due to past development of adjacent properties, which appear to have been somewhat at the property owners discretion, and the potential re-development of the area it would be unreasonable to penalize the developer for the request under consideration.

Motion carried the following vote:

Yeas: 6.

Nays: None.

Motion by Gaus, supported by Kelly that the minutes of November 9, 1967 be approved.

Motion carried the following vote.

Unanimous.

All present and past Board members and Planning Staff members, and the Mayor and Council members were invited to the Christmas party set for Thursday, December 21, 1967 at 7:30 P.M. at Lou Coomes Restaurant.

Mabel Houck and Albin J. Wendrow informed the Board that they would not be present at the January meeting.

Motion by Houck and supported by Kelly to adjourn at 9:35 P.M.

Motion carried by the following vote.

Unanimous.

Adjourn at 9:35 P.M.

N/N